

JANUARY 3, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 12:15 P.M. on Monday, January 3, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 12:15 P.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Employee of the Month

Tom Russell and Larry Gardner were present.

Liz Nelson from Road and Bridge was awarded the employee of the month for January 2000. She is assisting the Fairboard with the coordination of the Fair.

Jerry Sullivan - Safety Recognition

Tom Russell and Larry Gardner were present.

December 8, 1999 at the Landfill, Norm and Jerry were working together. Norm began complaining about severe heartburn; and later chest pain. Jerry took Norm to the hospital in Rifle and later was transferred to St. Mary's. Jerry is attributed to saving Norm's life.

Landfill Rate Discussion

Tom Russell mentioned there would be a two-tier rate for in-County and out-of-County. He summarized the goals would be to add an equipment replacement.

Tom provided the percentages as follow the in-county and out-of county use of the landfill -- 26% out of County users - 74% in-County. 38% is generated by Rifle. Tom added that a discussion has been held with Rifle. A complete report was submitted to the Commissioners and Tom explained the increases and justifications. This included the new rates, charging by pound in lieu of cubic yards, operation of the sale and creating a method to stabilize the budget. An additional fee has been added for mattresses and box springs. Tom explained that these do not compress.

The 2000 proposed rates for regular trash, mixed loads from county residents/businesses include: minimum charge of \$5.00; all county trash per lb. \$0.024; and penalty fee of \$20.00 for uncovered loads. 2000 proposed rates for regular trash, mixed loads from non-county residents/businesses include: minimum charge \$10.00; all non-county trash per lb. \$0.048; and penalty fee of \$20.00 for uncovered loads.

The new rates for special items for 2000 included:

Household appliances	\$10.00 each
Tires	2.50 each
Heavy Truck Tires	10.00, 15.00 and 20.00
Dead Animals (small each)	5.00
Dead Animals (large each)	10.00
Mattresses/Box Springs	5.00 each
Septic Sludge (gal.)	0.12

Trailers and Passenger Vehicles will not be accepted at the Landfill. All auto's must go to local auto salvage dealers. All trailers must be demolished at owners site then brought to Landfill as Construction & Demolition waste.

The new computer system being looked into for the landfill will be tracked by license plates. Discretion will be given to the Landfill employees as to who's in violation, who's spilling trash, and who's covering the loads. Tom added this is standard in the industry. \$20 is in line with all other landfills. Tom said this will be well advertised through the newspapers, signage at the gate over the next 6 months. A warning will be given the first 2 times and a fee of \$20 assessed on the 3rd trip.

Discussion was held.

Tom mentioned there is a series of questions the gatekeepers ask those coming into the landfill. State mandates require revealing where the trash was generated.

Tom recommended the Board approve the new rates and notify the public of these. He added these should be reviewed annually.

Commissioner McCown mentioned he foresees an enforcement problem.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set the fees for the Landfill as presented today by Tom Russell, per lb. at .024 for county residents and businesses and .048 for all out-of county entities; and all the other fees in the 2000 proposal; and enter this document into the record. Commissioner Stowe seconded the motion.. Motion carried.

Tom indicated February would be the time frame for the new system being in place.

Annual Ambulance Licensing Renewal

Guy Meyer presented the renewal licenses and certificates for the renewals. These included: Glenwood Springs - Unit 2000-14, 2000-15, and 2000-16; Town of Silt - License # 2000-3 and #2000-4; Town of New Castle #2000-9; Town of Carbondale #2000-2; Grand Valley #2000-7 and #2000-8; Tri-County Ambulance #2000-10 - #2000-12; Town of Carbondale #2002; Medical #62 and Medical #63 - #2000-5 and #2000-6 for the City of Rifle.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the renewals as presented; carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

County Road 109 - Final document for the transfer on property owned by Sue Rogers

Jim Leuthueser and Colleen Truden were present.

Jim presented the Resolution and requested if the Board approves this, then a motion to allow the Resolution to be signed by the Chair would be needed.

Jim thanked Colleen Truden and Sue Rogers for their work and cooperation.

Colleen stated for Sue Rogers that she was happy to be able to work with the County.

Jim reported that Randy will be coordinating the pipeline.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with vacating a portion of Public Road Right-of-Way otherwise known as a portion of County Road 109 and acceptance of easements for the new Public Road Right-of-Way from Crystal River Ranch Co. LLP; carried

Y Plat Requirement for Coryell

Don DeFord, Calvin Lee, Larry Green and Mark Bean were present.

Don explained that they were at the juncture of Coryell Ranch Project where Mr. Green has submitted on behalf of his client final plat requirements for approval by the county. One of the requirements that the Board imposed in the Preliminary Plan process was a condition that they would transfer Affordable Housing Units at the time of final plat to the agency as designated by the Board of County Commissioners. The method of meeting that obligation has been worked on with Larry Green. Today, a process that Larry and Don think would be acceptable is described as a process by which a deed restriction would be transferred to the Housing Authority that would require 7 of the lots within the Coryell Ranch be Deed Restricted Affordable Housing Units. 4 of the 7 be constructed during the initial one year period in which the improvements would have to be constructed; then at completion those would be restricted. Subsequently the three units would be built in a total of two years for build out an enforcement mechanism, vacation of the final plat would be the remedy for failure to comply with that procedure.

Coryell Ranch Affordable Housing

Don DeFord, Larry Green, Calvin Lee, and Mark Bean were present.

Calvin Lee, Esq. submitted a letter to Don DeFord and a form of Declaration of Master Deed Restriction and Agreement Concerning the Sale, Occupancy and Resale of Property Described as Lot A-1, Lot A-2, Lot A-33 and Lot A-4, Midland Point Subdivision, Garfield County, Colorado ("Deed Restriction").

Don explained the agreement. Vacation of a final plat would be the mechanism used in case these terms were not met.

Larry Green stated that Don DeFord had summarized where they were. Coryell Ranch has adopted the conditions. The deed restriction to be recorded against the affordable housing setting out the occupancy requirements restricting these 7 units that would be in accordance with the Affordable Housing Guidelines.

Larry stated this is a mechanism that he modeled that Carbondale and Pitkin County used in deed

restrictions for Affordable Housing. This meets the guidelines set by Garfield County

Calvin Lee stated the Resolution does require that the county impose upon the developer some mechanism that will guarantee the Affordable Housing Units will be built.

Tom Beard of the Housing Authority. Tom would like to present this draft resolution drafted by Larry Green to the Housing Authority Board for their comments.

Chairman Martin stated the Board needs to review the document as well.

Don DeFord requested that Coryell Ranch Board also look at it.

Don stated some indication from the Board was needed to proceed.

The Board agreed they did not have any problem on proceeding with the draft agreement.

Larry Green requested that the approval of this agreement not tie up the plat for Coryell.

A review of the Declaration was suggested to be held between Larry Green, Calvin Lee and Don DeFord.

This was tabled until next week.

Calvin mentioned this could be used by all Affordable Housing Deed Restrictions and thanked Larry Green for his work on these declarations.

Quarterly Report from the Battlement Mesa

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the documentation with the Senior Housing Option; carried.

COMMISSIONER'S REPORT

Determination of Chairman/Chairman Pro-Tem 2000

Commissioner Stowe made a motion and Commissioner McCown seconded to keep Commissioner Martin as the Chair for the year 2000; carried.

Commissioner McCown made a motion and Chairman Martin seconded to appoint Commissioner Stowe as the Chair-ProTem; carried.

Committee Designations

Chairman Martin indicated that the Commissioners determined some of the Committees they would sit on for CCI. There are still some that need designated.

Agricultural Resources, land uses, public lands, taxation, natural resources that includes oil and gas, and human services.

Commissioner McCown - natural resources including oil and gas

Commissioner Stowe - Human Services.

The Commissioners stated they would all review the list and decided later.

Mildred asked that they bring it back in so they the record could reflect their decisions.

CONSENT AGENDA

A. APPROVE BILLS

A discussion was held on the input of the new Contract Administrator for large purchases such as copiers, tires, etc.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bills, payroll and hand checks as presented; carried.

B. SET PUBLIC HEARING DATE FOR RIFLE SPORTSMAN'S CLUB SPECIAL USE PERMIT

Commissioner McCown said that Rifle had taken the lead on restrictions and a hearing date needs to be set for the process.

Commissioner McCown made a motion and seconded by Commissioner Stowe to set the date of February 7, 2000 for the Special Use Permit during the regular Building and Planning time for the Rifle Sportsman's Club; carried.

C. SIGN RESOLUTION OF APPROVAL FOR A TWO (2) FAMILY DWELLING UNITY IN THE WESTERN HILLS SUBDIVISION

D. SIGN ACKNOWLEDGMENT OF PARTIAL SATISFACTION SUBDIVISION IMPROVEMENTS AGREEMENT FOR RIFLE CREEK ESTATES, FILING 2.

Commissioner Stowe made a motion and seconded by Commissioner McCown to approve the Consent Agenda Items C and D; carried.

Commissioner McCown stated he would be away on February 14 as he would be leaving February 9 and returning February 18, 2000.

Commissioner Stowe stated he would be gone on Monday, July 3, 2000.

Fairgrounds Manager/Events Coordinator

This position will be selected this week.

REGULAR AGENDA

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS:

A. REQUEST FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT FOR ASPEN EQUESTRIAN ESTATES OF PERSHANA FARMS. LOCATED: SOUTHWEST OF THE INTERSECTION OF HIGHWAY 82 AND COUNTY ROAD 100, EAST OF CARBONDALE. APPLICANT: JAY WEINBERG OF ASPEN EQUESTRIAN ESTATES, LLC.

Don DeFord, Kit Lyon, Ron Liston, Planner and Herb Cline, Attorney for the applicant were present.

Don determined that adequate and proper posting and notification were in order and advised the Board they were entitled to continue.

Chairman swore in the speakers.

Kit Lyon presented the following exhibits:

Exhibit A - Proof of Publication

Exhibit B - Returned Receipts

Exhibit C - Proposed Zone District Standards; Exhibit D - Zoning Resolution; Exhibit E - Garfield County Comp Plan; Exhibit F - Staff Report with Attachments; Exhibit G - Application and Materials; Exhibit H - Board of County Commissioners - Tape No. 6 from 2/9/98.

Exhibit I - Pershana Farm Planned Unit Development PUD Zone District Descriptions and Variance.

Chairman Martin admitted Exhibits A - I into the record.

This is a request from Aspen Equestrian Estates Subdivision (of the Pershana Farms PUD) request for a PUD zone district amendment on a 57.9 acre tract of land to be used for 47 single family homes, 3 employee housing units, with 22.4 acres remaining in open space.

Kit explained that this was an Amendment reflecting the Conditions in Resolution 98-11 and also to physically move a boundary -- there were 3 lots and the Board had requested they be moved. These 3 lots have now become part of the Equestrian Center District.

Kit added that the minutes from the February 9, 1998 were included in the packet and a portion of the motion was played from the tape.

The minutes of the 2/9/98 were read dealing with the motion and discussion was held.

Kit clarified that her point was that she had to go with what was on the record. The way the minutes read is confusing as to what was deleted and was allowed as special uses.

Commissioner McCown read from the 'original staff report from 1998:' No. 9 - he said in his motion to delete provision for day nursery, indoor/outdoor golf driving range and clubhouse shall be allowed as special uses.

Ron Liston said it was contrary when Marian Smith stated it she left off the special use and Commissioner McCown agreed.

Commissioner McCown said he meant deleting it completely from that district.

Commissioner McCown said what he was reading thought was everything that's in that sentence verbatim and he wanted to delete it - the minutes reflect a verbatim of what he wanted to delete.

Commissioner Stowe understood Commissioner McCown's original motion of 2/9/98 to be all inclusive of the text of that sentence.

Kit referenced the Commissioners and applicant to page 8 of her staff report dated 1/03/2000 saying under No. 3 - Uses, Special - would be a deletion of Item b. c. and item d. She did not know what e. Miniature Golf meant.

Ron added that under item c. - their original point that they thought they were raising here was simple, staff was saying that athletic club with indoor and outdoor facilities was to be removed from special uses and he interpreted that as the athletic club and tennis courts would be removed as use by right and included the athletic club and indoor/outdoor use as part of the special use. That's where the original question came from.

Herb Cline said they not seeking to delete those - the resolution said those were allowed as special uses and they were seeking - staff was - to clarify and we wanted to clarify this last point because athletic facilities and tennis courts, while clearly deleted as uses by right still appear as special uses. This is the issue they wanted to discuss with the Board today.

Kit said this is what she thought the issue was as well and understand the confusion over the resolution as denial and that's why she consulted the tape and thinks the tape clearly states that 3. b, c, and d should be removed as special uses but they should be removed entirely.

Ron said he could understand, by part of the tape, that maybe you're seeing that the golf, driving range and those things were intended to be excluded but he didn't see tape of the general reference of athletic facilities and tennis court in the use by right as meaning deletion of athletic and indoor and outdoor facilities in the special use section.

Kit stated that the minutes state "delete allowances for athletic facilities and tennis courts."

Herb Cline stated that his client bought this property based upon Resolution 98-11 as the final PUD resolution. By taking away some of the special uses that the Resolution clearly -- the Resolution is not ambiguous - the Resolution is clear and we've been operating under that....

Kit said the Resolution lists the findings of the Board; they are in accordance to the tape.

Additional argument by Herb Cline on the motion made by Commissioner McCown on 2/9/98.

Ron said the only reason he submitted a PUD Amendment was the boundary change and included these changes right along with it. The interpretation that came up with staff was that we improperly interpreted the Resolution pacifically references athletic facilities in talking with them prior to making this submittal. The staff thought that the reference for athletic facilities and tennis court meant take it out off use by right; they also interpreted it take athletic club and indoor/outdoor facilities out of the special use section.

Commissioner McCown stated that if the applicant read the minutes and listen to the tape; recommendation 1,2, delete 3, add 1 - 7 under findings; delete 9 - in its entirety in the staff packet.

Ron again wanted to clarify the meaning by the Commissioners as to no. 9 in reference for athletic facilities and tennis court, did they mean to intend to delete athletic club and indoor/outdoor facilities from the special use section -- that is the question.

Commissioner McCown said his memory from that and in reading this, he intended to delete it period.

Ron - from the special use section as well?

Commissioner McCown - yes.

Herb Cline said they have the signed resolution and the interpretation of it is why they are here today.

Commissioner McCown asked if that is why the application is here today -- the interpretation of the Resolution being questioned?

Ron - yes

Commissioner McCown - what he is telling the applicant today is what he included in his motion to delete no. 9, as it was written in the staff report -- this was in my motion.

Ron - this was allowed uses, there was nothing in deleting in special uses.

Audience

Martha Densmore - neighbor in the Ranch at Roaring Fork commented that what they originally proposed sounds like they are doing commercial operations and she wondered what they were going to do with all the horse manure. They have 57 horses right now -- do they propose having more horses.

Chairman Martin added this was part of the barn and it has been stated that the manure is being hauled off and being used somewhere else.

Ron stated that as the property grows, more will be hauled off. As the residential is developed and all the access from the barn, the manure will be hauled off.

Martha Densmore added that before they added 14 horses, they were piling the manure right by Blue Creek and it was coming into the farm at the Ranch at Roaring Fork. Now they have 57 horses and if there are not hauling it off, she wonders where it is going.

Ron said some is being put down on the riding trails.

Martha Densmore questioned the location of the riding trails.

Ron said right now they are just around the area until the residential develops.

Kit summarized that the applicant is not in compliance with Resolution 98-11. Therefore, in the following recommendation - this is address:

Recommendation

On November 10, 1999, the Garfield County Planning Commission made a recommendation to the Board of County Commissioners concerning the proposed PUD amendments to the Preshanna Farms PUD (a.k.a. Aspen Equestrian Estates Subdivision). The recommendation is as follows:

- A. That the proposed Planned Unit Development amendments be approved provided the Board of County Commissioners revisits the issue of whether or not athletic facilities and tennis courts should be deleted from the E. C. (Equestrian Center) District or remain as Special Uses (pursuant to section item 7 of Resolution 98-11.)

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

Chairman Martin stated the staff have presented what there recommendations are from text and also the tape. Commissioner McCown has made a few statements. Do we have a motion to give us direction.

Commissioner McCown clarified the request today -- for a PUD Zone District Amendment that would allow Athletic facilities and tennis courts as special use - nothing more.

Kit Lyon said the request would allow all of the uses listed in this Zone District language that is attached to the staff report. Kit referenced pages 6 - 12 - this is their request and part of that request also is to move the zone district boundary - three lots from the R10 District and place it in the EC District which was another provision of 98-11. Staff has heard today is that on page 8

of the EC. Zone District - 3 b, c, and d. should be removed - deleted entirely and not allowed as any type of use.

Staff is in agreement that those 3 lots should be relocated and the boundary should be moved.

Commissioner McCown said in the difference of opinions of the interpretations of the Resolution 98-11, he asked counsel the question -- in approval or disapproval of this amendment, are there conditions allowed as well? Should the Board allow the Zone District Amendment to clean up and include those lots that they are doing but as a condition remove b,c, and d as special uses as the initial motion was made - would that be a condition that would be applicable to this approval.

Don DeFord - yes. Don clarified the questions as to how far you can go in this -- once a modification of amendment has been requested in a PUD you can address any issue you need to fully meet all the requests of the amendments. So, yes they can as a condition of approving other alterations, require alterations to this Zone District Text.

A motion was made by Commissioner McCown to approve the request for a PUD zone district amendment with the deletions under uses special of items b, c, and d.

Commissioner Stowe seconded that motion.

Commissioner Stowe said on page 8 under 3 - uses special: b - as in boy - indoor/outdoor golf driving range, c- as in Charles - golf course with associated club house including customer accessory uses including pro-shop, retail food and beverage service; d - as in David - athletic club with indoor and outdoor facilities.

Chairman Martin - and your motion is to delete those from special usage.

Commissioner McCown - yes.

Don DeFord added that as a matter of record, the basis for request in that amendment as to why Commissioner McCown, you are deleting these items.

Commissioner McCown said he is requesting that amendment simply because I think in the initial motion made 2/9/98 that it was his intent in the motion to delete those specific items at that time.

Commissioner Stowe questioned staff - under special uses, that Commissioner McCown has just enumerated on - page 8 where it says indoor commercial recreation - that seems like that gives some flexibility there for them to perhaps put in their showers, an indoor bar or something of that effect - would it or would it not? How broad is that when it says indoor commercial recreation.

Kit said it appears pretty broad - she asked if this was in the original zoning? If it was in the original proposed zoning and it wasn't specifically deleted, then

Commissioner Stowe - it would allow showers, but not a full blown complete athletic club.

Commissioner McCown said in the original he didn't see it there either.

Commissioner Stowe mentioned the applicant would have to touch base with the building department to get a clarification on what indoor commercial recreational entails or involves or would allow.

Vote on the Motion - carried.

**B. REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT FOR TWO PIPELINES:
LOCATED: NORTH OF PARACHUTE IN THE PARACHUTE CREEK DRAINAGE AREA.
APPLICANT: AMERICAN SODA, LLP.**

Don DeFord, Mark Bean, Tim Thulson with Balcomb and Green, Plant Manager for American Soda Charlie Yates and others officials and employees from American Soda were present.

Don DeFord questioned the applicants regarding: identifying adjacent property owners through use of the Assessor's records; based on the check, was notice mailed to every adjacent property owner; Don clarified that the applicant gave him proof of that through both returned receipts and proof of mailing; and if there are any public land owners such as the Bureau of Land Management that were adjacent to the subject property?

Tim Thulson for the applicant answered affirmatively to all the above questions.

Don DeFord advised the Chairman of the Board that he has published notification that is timely and adequate and based on the testimony you've just heard, I believe the mailed application to adjacent owners is adequate

Tim Thulson introduced officials those present for American Soda.

Chairman Martin swore in the speakers.

Mark Bean presented the following exhibits:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Comments; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Resolution No. 99-113; Exhibit G - Rio Blanco Resolution and Approval for American Soda's Special Use Permit - Resolution No. 99-09; and Exhibit H - characterizes a letter of approval for the Pipeline identifying Resolution 99-27 in Rio Blanco County and dated 12/14/99.

Chairman Martin admitted Exhibits A - H into the record.

Mark stated that this is a request for review of a Special Use Permit to allow construction of pipelines for liquid sodium solutions and return water for American Soda L. L. P. and American Soda Pipeline Company on a corridor starting approximately 2.5 miles north of Parachute and extending approximately 19 miles north in Garfield County along the Parachute Creek and West Parachute Creek drainage.

The pipeline would cover 19 miles, disturbing approximately 115 acres.

Mark briefly reviewed the Project Information and Staff Comments including the following:

Mark Bean noted on Page 5 and 7 of the Staff Report, in terms of the re-vegetation issue, the plant stated they "will use certified weed free seed *whenever possible* and in all cases seed will be free of primary noxious weeds." Both staff as well as the pest and weed conferences, the term *whenever possible* be

deleted. The certified weed free seed for all weed revegetation. Beyond that all proposals of the applicant should be considered conditions of approval. Mark said he also included here the fiscal impact mitigation. He said they are in the process of, or the applicant is in the process of working out all the agreements that were necessary of Parachute and Battlement Mesa, as well as the City of Rifle. Those Resolutions are forthcoming. Those issues will be resolved. Mark indicated that were noted in the Exhibits he entered that Rio Blanco has approved the Special Use Permit both for the mine as well as the pipelines in their County. So from their end of the operation everything is approved and ready to go. Staff is recommending approval with 14 conditions.

Recommendation

Staff recommends APPROVAL, with the following conditions of approval:

- A. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
- B. All construction shall be in compliance with the application as submitted.
- C. Prior to mobilization and/or construction, the applicant shall obtain approval of all proposed crossings of County Roads from the Garfield County Road and Bridge Department including appropriate notification of the public as may be necessary for road closures or other activities a required.
- D. Prior to mobilization and/or construction, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits from the Garfield County Road and Bridge Department.
- E. The applicant shall obtain all licenses as may be required for vehicles used by the applicant and the applicant's contractor(s) from the Garfield County Clerk and Recorder.
- F. A copy of the Emergency Preparedness Plan shall be maintained in the Garfield County Emergency Preparedness Office and any revisions submitted as they are made in the future to ensure the plan is current.
- G. Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this special use permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all construction activities and forfeit any and all bond monies as may be applicable to the County.
- H. All revegetation will be done with certified weed free seed. The applicant will be responsible for the removal of noxious weeds from the pipeline Right-Of-Way for the life of the project.
- I. An estimate of the cost of revegetation will be submitted to the County Pest and Weed Director for approval. A bond or letter of credit will be placed with the County in an amount determined to be adequate by the Pest and Weed Director for the cost of revegetation. The security will be released when a statement from a qualified specialist is received that certifies the reestablishment of the vegetation in accordance with the plan and the County Pest and Weed Director concurs with the statement.
- J. The applicant shall maintain a current listing of available housing for non-local workers and present it to them at orientation or to the subcontractors management as they come into the area.
- K. Prior to the issuance of the Special Use Permit, the applicants shall submit a copy of the agreement with the City of Rifle to deal with possible additional calls for service, as a part of a mutual aid agreement with the Garfield County Sheriff for police service.
- L. That a plan for minimizing traffic to the Town of Parachute be submitted to the County prior to the issuance of the Special Use Permit.
- M. That the applicant submit monthly housing and employment monitoring reports to the County. If the total work force exceeds the employment work force projected as a part of the application by ten percent (10%) or greater, the applicant is required to notify the Board of the effects of the increased work force and additional measures needed to accommodate the work force
- N. Any violation or revocation of the Special Use Permit issued by Rio Blanco County will result in a cease and desist of operations in Garfield County.

Chairman Martin determined that there were no questions of the staff by the Commissioners at this time.

Applicant's Input:

Tim Thulson said given the familiarity of the project and this being the last stage, said that staff had accurately described the project.

Tim stated they did not prepare a formal presentation today. We state that the following conditions or comments that they agree with the recommendations set forth in the staff report and they form a proper basis to approve this application which they urge the Commissioners to do. Tim's comments are as

follows: weed free revegetation will be by certified weed free seed; we've agreed that some staff will do that; they are in the process of determining what the bonding will be for the revegetation - preliminary estimates put it in the area of \$9,000 and they will bond that; all revegetation in Garfield County. With regard to the agreement with the Town of Parachute, Tim said he didn't see this in his package but does have copies of the reimbursement agreement that they have executed with the Town of Parachute.

Chairman Martin asked if Tim would like to go ahead and enter that as Exhibit I?

Tim stated yes.

Chairman Martin so noted for the record.

Tim stated provision in that contract states they will have that incorporated as an Exhibit and Resolution of approval enforceable by the County. With regard to the Town of Rifle they have reached an agreement of appropriate services with staff and will be presented to the Board of Trustees this Wednesday and they expect that to be approved. Back to the Town of Parachute Agreement, when they drafted the Agreement before the Commissioners, Exhibit I, it was the intent of all the parties to cover all the impacts identified in the impact resolution. Tim said it was his fault that it wasn't drafted to include the traffic impacts and what they would like to have as a condition of approval is Paragraph 12 amended somewhat to allow them to provide with confirmation from the Town that those impacts have been mitigated as opposed to the County to pry out these separate agreements. With that said, Tim said he would close our remarks and also noted that they have beginning left to right, Chris Freeman with Steiger Corporation - a permanent consultant; Jim Crowley - land man; Will Harnish with Williams Company and he will be the pipeline supervisor; and Ed Cooley general services.

Public Input

None

Mark Bean noted in terms of the revegetation, Condition No. 8 stated that weed free seed was noted; and incorporate the weed free hay and straw.

Ed Cooley commented on the pipeline; and stated the diagram of the pipeline that there was an error - the pipeline must cross CR 215 two times versus once.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Stowe; carried.

Commissioner Stowe moved to approve the request for the Special Use Permit for two pipelines with the recommendations of staff, change the item no. 8 on page 8 "all revegetation will be done with certified weed free seed including necessary mulch straw and hay also to be weed free; and changing no. 12 indicating that an agreement be made with the Town of Parachute addressing any necessary litigation related to traffic impact on that town. And with the corrections that Commissioner McCown noted as far as crossing CR 215 twice instead of once.

Commissioner McCown seconded the motion.

Tim Thulson for the applicant clarified on provision 12, Walt, would that be a while to have written confirmation as to a formal agreement?

Commissioner Stowe - yes it would.

Mark Bean asked for written confirmation requesting that Tim provide the County with a plan for minimizing traffic, etc. for the Town of Parachute.

Question was called.

Vote - carried.

C. PRESENTATION OF SERVICE PLAN FOR ROSE RANCH METROPOLITAN DISTRICT

Tim Thulson was present.

Mildred Alsdorf stated she received the Service Plan for the Rose Ranch Metropolitan District on December 16, 1999 along with the \$500 fee. The service plan is now ready to be presented to the Planning Commission to hear and then come back to the County Commissioners.

Chairman Martin asked for a motion to refer this to the Planning & Zoning Commission for their review. Commissioner Stowe so moved. Commissioner McCown seconded.

Mark Bean asked the applicant for permission to schedule this for the regular Planning Commission in February due to the overload on their agenda for January.
Tim Thulson stated he would refer this to the applicant and submit their response in writing.

Motion carried.

BUILDING AND PLANNING ISSUES (CONTINUED)

DISCUSSION AND ACTION: SETTLEMENT OF RFRHA LITIGATION DON DEFORD STATED HE HAD RECEIVED THE LATEST DRAFT OF THE SETTLEMENT AND ASKED THE BOARD TO REVIEW.

Don DeFord, Ed Green and Dennis Stranger were present.

Don submitted the latest draft submitted by RFRHA and requested a brief executive session to discuss the contents of the latest draft. He would anticipate a public discussion of this document.

Don said present today is Dennis Stranger and Mark Bean. Dennis you've been retained to provide expert assistance in review of the comprehensive plan from RFRHA. I would ask that both be allowed to remain present during executive session.

Chairman Martin asked Dennis if he could give the Commissioners an update today on what you've accomplished so far.

Don DeFord stated he would rather reserve this until the executive session on that issue.

Executive Session - RFRHA Litigation

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made to come out of Executive Session by Commissioner Stowe and seconded by Commissioner McCown, carried.

Settlement Agreement

Don stated the draft submitted by RFRHA dated December 21, with proposed alterations to one of the paragraphs of that dated Jan. 3, 2000 and he particularly referred the Board to the second fax received with a handwritten alterations on the front which is the final revision. He noted the draft has some numerical problems; references to draft no. 1 and that is an error; and references to Garfield County as GARCO and the pleasure of the Board would be to refer to throughout as Garfield County or as The Board of County Commissioners of Garfield County rather than as GARCO. This is what we have at this juncture from RFRHA - it seems that we've reached a stage where it would be appropriate for the Board to engage in a public discussion of this document and the litigation.

Discussion to justify action by the Board.

Chairman Martin stated that even though it cost us for a settlement and it's the taxpayers dollars, he has some real problems in settling this and he needs everybody to know it.. The justification just to get out of the attorney's fees, and \$500,000 to give up a vote on a comprehensive plan -- he can't justify it for that - it's a waste of \$500,000. Also, outside of influences on this area, which is Congressman Scott McNinnis on the conservation easement, he will not support it, hasn't supported it, unless the conservation easement is transferred. This continues to keep the conservation in tact held by ABLT. Other considerations are going to be the Carbondale stand and what was reported in the newspapers is that they are in opposition to a freight issue. In this settlement, it says that they will provide and not preclude freight operations. The other is the expenditure to Dennis Stranger and his research on this issue on the Comprehensive Plan and what does it really do for Garfield County -- is it beneficial or not. Chairman Martin said he still feels that it is not beneficial on this Comprehensive Plan.

Commissioner McCown asked Dennis Stranger for his report.

Dennis said he has read everything but there are some documents and references to certain agreements that were not provided but were not critical to what he was charged to do which was to review the Comprehensive Plan for the RFRHA. That Comprehensive Plan incorporates a number of documents either by reference or physically copied them into their plan including the draft of our impact statement done this summer for the railroad corridor, trails plan, access control plan, etc. Dennis stated he reviewed those and he is at this point to date. He said he had assembled some preliminary thoughts on what those documents taken as a whole and how they come together in the comprehensive plan, but a final report has not been prepared.

Commissioner McCown requested a date when the Commissioner's could expect a final report.

Dennis said within a week or two.

Commissioner McCown mentioned the Board was being asked today to basically give up our right to vote on the Comprehensive Plan -- Dennis has been paid good money and yet they have no report on his review of the plan.

Dennis said there are significant questions on the comprehensive plan -- there are more questions than answers in the document. To be perfectly honest with the Board, he thinks there are some real issues with the comprehensive plan: the access controls across the railroad and the entire relationship of the railroad corridor and its uses with land use in Garfield County. Some of those may be based on misunderstanding of Garfield County Land Use Documents including zoning; then there is a whole different philosophy attached with RFRHA's Comp Plan with the County's Comp Plan which need to be reconciled.

Commissioner Stowe stated RFRHA has responded to what we asked them to do initially and the preliminary quest for negotiation and that most of the points we asked for in the interest of settling this agreement without going to a lengthy and costly court case. And I think at this point I would be encouraged to go ahead with the changes that Don just mentioned as a preliminary settlement agreement and offer it up to the other members of RFRHA as such. So I would make a motion that we would accept this and authorize the Chair to sign this settlement agreement following that and that Don DeFord be authorized to, once the other parties in agreement to this settlement, to sign and do away with the court case. Is that what we need to do John?

Dennis added they claim to meet all the impacted counties, towns and cities comprehensive plan.

Commissioner Stowe mentioned his concerns - a proposed route and in this agreement, existing land owners will not have to pay for crossings. Garfield County has protected the landowners. For the cost for the County to continue with litigation when there is no agreement in place is his main concern. It protects existing land owners and if this does come about, the use of land uses will be decided by future Board of Commissioners.

Chairman Martin respected the other commissioner's opinion, but said Garfield County is selling out. Pitkin County is passing this on to us. He feels we need to make the views of the county known and refuse the draft agreement.

Commissioner McCown said he has a problem giving up the right to vote on the Comprehensive Plan and we might not have that at all. This is a beginning and Garfield is the initiator of this. Carbondale has a problem with this draft. If there are any changes it will have to come back to them, Signing or not signing will open the discussion.

Verbatim

Commissioner McCown stated if the Commissioners can begin the settlement agreement, emphasized, **begin** this, because in the copies that we've been given today there are no signatures of any other officials. So apparently, we are going to be the initiator of this and having given what's been reported in the paper, and we can be sure that's factual, Carbondale has a bit of a problem with this. So whether or not

Chairman Martin - maybe Basalt

Commissioner McCown - yea, whether or not this will be the final draft and it will have to come back to us if there are any changes and at that point we can review and re-review but apparently by taking a vote today to either sign or not sign, we're getting off center and we will find out what the other governmental entities in the valley do feel about this as it goes back to their particular entities. So, I guess, call the question.

Vote - McCown - aye; Stowe - aye; Martin - nay.

FINAL CONSIDERATION: JAIL CONSTRUCTION CONTRACTS

Don DeFord, Ed Green, Bob Szrot, and Tim Arnett were present.

Bob Johnson is available by telephone.

Don stated a motion to move forward on the pre-cast concrete would be necessary. The masonry and security steel will come from a single source. He advised the Board to make specific findings where there is a sole source under the contract. In terms of pre-cast this is not the problem - there are multiple bidders on that proposal.

Don added that the Board would need to sign a notice of award. On Masonry and Security Steel there appears these will come from a sole source. Bob Johnson provided contracts and Don said they do meet the County's standards under the Purchasing Code.

The deposition of Bob Johnson on the security steel and masonry needs to be incorporated in the record as a basis for proceeding.

A. MASONRY

Bob Szrot stated his research based on the many projects he visited around the state in addition to the opinion of our architect that Masonry services are quite crucial to this project and are not easy to come by. We must use brick per the City of Glenwood Springs' code. The corresponding structural elements to that are masonry units on the inside. Those need to be grouted full which is a long and difficult process. Detention metal has to be set in these masonry units as each course goes up along with conduit and other operational pieces of equipment.

NOTICE OF AWARD - PERMANENT BUILDERS AS THE MASONRY CONTRACTOR BOB JOHNSON WAS CONTACTED VIA TELEPHONE.

Chairman Martin stated the county had verified the justification for the Masonry contractor.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the masonry contract of \$ 1,953,181.00 plus a not to exceed \$18,000 for winter protection if needed to Permanent Builders; carried.

B. PRE-CAST

Bob Szrot recommended Stress Con for the pre-cast concrete for \$ 901,670.00.

This was the lowest bid they received.

Bob Johnson concurred with Bob Szrot.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award Stress Con in the amount of \$901,670.00; carried.

C. SECURITY STEEL/ELECTRONICS

Bob Szrot provided the justification for sole source for security steel/electronics for the new jail facility. He quoted long lead times with detention metal, competence in wiring and control panels as part of the justification. Sierra Steel is the sole source.

Don DeFord is in support and Bob Johnson provided a memorandum stating his position to secure Sierra Steel as a sole source

Bob Szrot stated the base price is \$1,877,777.

Bob Johnson confirmed that the base price from Sierra Steel is \$1,817,777 with another \$60,000 for PLC (programmable logic controls). They take full responsible for their design.

Bob Johnson suggested that the County not spend the extra \$60,000. Bob reiterated that the Board could revisit this at any time and add it later.

Commissioner Stowe was not in favor of adding this item at this time.

Ed suggested as an alternative to have it as a separate line item and be solely activated at the Board's option.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award Sierra Steel the contract for security steel/electronics if \$1,817,777 with a separate line item (should the Board

choose a programmable logic control) PLC up to \$60,000 with Sierra Steel or with whomever the board chooses; carried.

2. DISCUSSION: GENERAL CONSTRUCTION CONTRACT AWARD PROCESS

Don DeFord requested an executive session to discuss contract negotiations and asked that the Board provide staff directions. Don requested that Bob Johnson and staff present by phone; purchasing agent Tim Arnett, County Engineer Bob Szrot; and Assistant Carolyn Dalghren.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Direction to Staff - General Contract Awarding Process

Chairman Martin stated the Board will follow recommendations as outlined by Mr. Stowe.

Commissioner Stowe agreed this was his motion and then make the final point distribution selection at a later date. Using the contractor's evaluation criteria for the new Garfield County Detention Center and the Board will make that actual information known and with that will allow opening the bid to 3 - 4 as a competitive bid structure.

Commissioner McCown clarified that pre-qualification was completed.

Ed said the firms have been selected that will be invited to issue a proposal.

Don added that at the last meeting you gave direction to staff to contact a specific contractor to see if they wanted to participate and the recommendation of staff is not to proceed with that direction. Therefore, the Board needs to rescind that direction as well.

Commissioner Stowe stated his motion which was to proceed with the bidding structure for the 4 qualified contractors as presented today before the Board.

Commissioner McCown seconded.

Motion carried.

Commissioner Stowe moved to rescind all directions to staff inconsistent with the motion the Board just passed. Commissioner McCown seconded. Motion carried.

Commissioner McCown suggest that this motion would include correspondence to those that didn't qualify as well as those that did qualify.

Adjourn

A motion was made by Commissioner McCown to recess until 9:00 A.M. Tuesday January 4, 2000 at 9:00 A.M.

JANUARY 4, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 9:00 A.M. Tuesday, January 4, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M.

ROAD AND BRIDGE WORKSHOP

Those present for the workshop include: Road and Bridge Director Tom Russell, Office administrator Liz Nelson, Marvin Stephen's, Kenny Gardner, Craig Kuberry, and Jake Mall.

Snowplowing

Tom Russell requested direction from the Board in regard to the three different ways that the roads are being plowed for the County -- the Rifle District may be different than the Glenwood District which is different than the Silt District. Tom wants to put some uniformity into this process. Therefore, he requested feedback as to the what level of service the Board wanted to provide for these districts. Does the Board want to base snowplowing on traffic counts, grades of roads and sand or not sand. In reading some of the old policies for Road and Bridge, there is a 4" and 6" rule, weekend snowplowing; and these policies appear to be wrong or outdated. This session is to give direction toward updating those policies and have clear direction as to the expectations of the Commissioners in order for Road and Bridge to provide the service they are expecting.

Tom had a conference with each of those in charge of the three districts to determine their current procedures.

Glenwood Springs District Kenny Gardner relayed the priorities on a Monday - Friday snow day explaining the routes and which employee does the roads. The school bus routes are priorities.

Kenny stated the foreman make decisions and in an emergency situation the Road and Bridge Department works with the Sheriff's Department.

The number one factor is safety.

Magnesium Chloride

Tom Russell reviewed the current procedure for applying Mag Chloride.

Commissioner McCown said the County cannot afford to Mag Chloride every road in the Garfield County and if we don't charge the individuals to do it in front of their house, then that's what will be done.

Chairman Martin added he would like to have the Mag Chloride program so that the County will be able to go ahead and apply the product. It costs a lot to maintain the roads and we also have to say that Mag Chloride will not be applied every year -- only until it's good and solid. There is a need for a program. If we need to start with one road, then we Mag that one and that's the program; come back next year and do another road. You will not stay caught up but it will start to eliminate some of the maintenance problems that we are having due to no Mag Chloride.

The Commissioners emphasized that there was a need to stay within the budget.

Routine Maintenance and Board of Commissioners' Philosophies

Chairman Martin mentioned that the County is basically out of the road construction business; we patch ourselves but other contractors are who the county depends upon.

Commissioner McCown indicated it all goes back to discretion.

CR 115

Tom Russell said the crew would continue to plow this road until it becomes dangerous for them to do so; then they will go ahead and put the temporary closure gate up.

The Commissioners agreed that the County should not put the employees at risk.

How To Accept Roads on County Road System

Tom mentioned the number of calls they receive with the request to include specific county roads on the list for maintenance.

Tom asked for direction from the Board in giving answers to these concerned citizens saying first they want Road and Bridge to come build the road, then maintain it.

Commissioner Stowe stated subdivision requirements easements, right-of-ways, public access but they also tell them that there is not maintenance included.

Commissioner McCown stated that there is a difference between a county road and a public road. The County has got a certain level of responsibility to maintain these roads. These people Tom is talking about are the ones that don't want to see a car in the summer when they are up there but then the snowfall, they want to see it plowed. There is a thin line as to what they do. He didn't think the County could set a blanket program and say no we are not going to go beyond this point with our maintenance. If the subdivision increases and there are 40 homes built, then the County will provide snowplowing. Therefore, if someone has enough money to build the road to county specifications, then it would be safe enough to plow, but the question remains, is the crew driving 2 mile to plow one guy. Commissioner McCown mentioned the county collects Highway Users Transportation Funds (HUTF) for that road and it's a hard thing to argue about.

Chairman Martin stated that some county roads are on the fee scale but the funds allocated are in use somewhere else. Therefore, the County needs to catch up. Therefore, if we allow more roads to be built and we're not maintaining them, then we are falling real short. He favors getting every road up to standards before taking on anymore roads.

No New Roads

Tom suggested mapping the roads now on the system,

The Commissioners agreed that for the year 2000 they would not take on any new roads.

Ordinances and Resolutions were presented to the Commissioners for review regarding driveways and road cuts.

Other issues discussed were the landfill pits; staff and holidays at the landfill; SPCC Plan - a plan for a fuel tank at the Glenwood Springs Site provided by Galloway/Romero Association; and former budget cuts that will possibly allow a couple more projects or put the funds into the fund balance.

A motion to adjourn was made by Commissioner Stowe and Commissioner McCown seconded; carried.

Attest

Chairman of the Board

JANUARY 10, 2000
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 10, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

- A. Approval of Engagement of Outside Auditor Services
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the letter from Chadwick, Steinkirchner, Davis and Co. P.C. not to exceed \$19,800 to provide the Garfield County Government the audit of the general purpose financial statements for the year ending December 31, 1999; carried.
- B. Approval of SPCC Plan
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the SPCC Fuel Facility Design Engineering Plan for the Garfield County Road Bridge Facility located at 1015 School Street, Glenwood Springs as outlined in the Agreement with Galloway, Romero and Associates dated September 27, 1999; carried.
- C. Authorization to Transmit YUCCA Mountain EIS Comments
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Commissioners to sign and send the letter addressed to Wendy R. Dixon addressing the five specific areas regarding the YUCCA Mountain EIS as submitted; carried.
- D. Year 2000 Objectives
Ed presented the Commissioners with the Garfield County Year 2000 Objectives including the Garfield County Mission Statement, Vision and Values for their review.
- E. Road Grader Award
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the purchase of a John Deere 770 CH Motorgrader for Road and Bridge for the cost of \$145,975.00 with an immediate delivery; carried.
- F. Agreement - Bob Hammond
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign an Agreement with Bob Hammond occasional services - not to exceed \$11,000; carried
- G. Executive Session - HR Issues
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss a personnel issue. Ed requested that Larry Gardner, Dale Hancock, Guy Meyer, Tom Russell, and Kenny Gardner remain for the discussion; carried.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COUNTY ATTORNEY UPDATE

Don DeFord, Mark Bean and Dale Hancock

COMMISSIONER REPORT

Chairman Martin commented that the Idaho Springs is the location for the Colorado Intermountain Fixed Guideway Authority meeting at 9:00 A.M. Wednesday, January 13, 2000. He added that the tape is available for the presentation for the Fixed Guideway that is going to the State Legislature for the \$100,000,000 for the demonstration train between Silverthorne and Frisco.

Thursday, January 13, 2000 is the Mayor's meeting in New Castle at the Apple Cart in Apple Tree at 7:30 A.M.

Community Correction is also on Thursday, January 13, 2000 at noon at Hotel Colorado.

There is a kick off meeting for the Census 2000 on Friday, January 14 at 2:00 P.M. in Grand Junction.

Commissioner McCown stated there was \$2,000 available from the Associated Governments for the participation in the Census. He wanted to get Rob involved with the Census to give a justification of his time and efforts spent to date and submit to Associated Governments in the amount of \$2,000 and the County will be reimbursed.

Commissioner Stowe reminded the Board of the Personnel Committee meeting on Wednesday, January 12, at 9:00 A.M. He will be at the Fixed Guideway meeting and unable to attend.

Chairman Martin mentioned he has the video of the proposed train.

Ed announced that Mark Bean, Dale Hancock, Don DeFord and he will be meeting at 7:00 P.M. Tuesday, January 11 to complete the scheduling for the Fair. A Project Schedule was anticipated to be completed by next Commissioner's meeting.

Mildred Alsdorf mentioned that the City of Glenwood Springs to determine if the Board wanted to continue the meeting on the 18th at 7:00 A.M. at the Courthouse. The suggested agenda items include: CR 116 & 117 intersection; relocation of utilities on Pitkin - the sleeve versus the tunnel connecting the Detention Center to the basement of the Courthouse; Pitkin Street closure - Chairman Martin mentioned having closure of Pitkin between 7th and 8th Streets two weeks before the actual closure to make sure the traffic patterns are going smoothly.

TRANSLATOR - KTVD KRMA

Dale reported on the possibility of signing on to the local news for the Silt/Rifle area on Denver 5. The only channel currently broadcasting is Channel 20 - UPN - KTVD and KRMA called KRMJ - same as Channel 6 out of Denver.

TREASURER OFFICE

Georgia Chamberlain gave the report on the Extension of Banking Agreement that expired December 31, 1999; a verbal agreement that would be a 90 day extension during which time they will discuss rewriting the Banking Agreement.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize Georgia to proceed with the extension of 90 days for the Banking Policy; carried.

CRIMINAL JUSTICE SERVICE BOARD

Dale presented for Al Maggard to give to the Commissioners a draft of the Criminal Justice Service Board formerly known as the Jail Advisory Board formed by Resolution 82-41 and reconstructing it as a Criminal Justice Services Board which is taking on more programs working with Community Corrections, etc. Chairman Martin stated it was a good move.

Discussion was held.

Dale gave the history of the Jail Advisory Board saying it was formed in 1980 then they merged and became part of the Community Corrections Board.

Chairman Martin said the focus was on the construction and getting a jail built. The purpose will be for a group of citizens to work with the Sheriff and Commissioners and the programs Community Corrections and design the workings of that facility to keep the population down.

The Criminal Justice Services Board will report directly to the County Commissioners and not to the Sheriff. This is not an expansion of their powers, it is merely a refocus; their powers will be limited to the services and be a coordinator and resource/direction committee.

Dale interjected that the intent of this Board will be to preserve the resource (the Jail) for a 20 year life-span. There's an analogy that Ed uses for this -- "control the flow of water going through the spiket." This Board's mission will change to be pulsing the community as well as doing research to find out what other types of programs or management techniques might be available to continue to reduce pressure on the booking side inside the jail.

Chairman Martin said it will also be to keep that overall population housed within the facility. These are the programs they will be working and monitoring and reporting back to the Commissioners. The emphasis would be to find the resources to make the programs work all in the front end. He said he would provide the Commissioners with the report of the work session held in Grand Junction so they can see exactly the intent is of this Board. The minutes from the work session should also be given to the Commissioners so everyone will understand the direction of the Board.

PRESIDENTIAL PRIMARY ELECTION - MARCH 10, 2000

Mildred Alsdorf brought forth the facts regarding the Presidential Primary Election on Friday, March 10, 2000 stating she would like to consolidate her Precincts so that there will be only one place to vote in each Town or City. She added that in 1992 there was only 4000 that voted out of 13,000 registered voters. In 1996 there were 2400 voted out of 19,000 registered voters. The only issue on the Ballot is the Presidential Primary consisting of the Democrat and Republican candidates.

Carbondale - at City Hall; Glenwood Springs - Courthouse; New Castle Town Hall, Silt Town Hall, Rifle Town Hall, and Parachute/Battlement Mesa at the Battlement Mesa Activity Center.

Mildred said she had talked to both Carole for the Republicans and Leslie for the Democrats and asked them how they felt about the consolidation. Both Carol and Leslie were in agreement with Mildred. According to the Statutes, she can consolidate her precincts.

Media advertising will be the source to let the voters know of their options - Absentee Voting, Early Voting in Glenwood Springs, and at the combined precincts on March 10.

Mildred explained the various ones submitting requests to be on the ballot in November; plus the Commissioners, Presidential, Representative, and Senate candidates, therefore pointing to a big election in November. The Caucus will be held April 11th.

Commissioner Stowe made a motion and seconded by Commissioner McCown to approve the condensing of the precincts; carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Calvin Lee - Re: Sanders Ranch

Calvin stated he understood Sander's Ranch to be on the Commissioner's agenda on February 8, 2000 at 9:00 A.M. At the Planning and Zoning hearing there were people standing in the halls and there are hundreds of people not happy with the decision that the Planning Commission made at their hearing. His request involved the public comment portion of the upcoming Public Hearing before the Commissioners. Calvin requested a time when various people could attend. This is the biggest land use decision in the history of Garfield County. His suggestion was to start a session at 5:30 P.M., hearing the staff comments in the morning beginning at 9:00 A.M. and adjourn until 5:30 P.M. The people do want to show up and make public comments.

Commissioner Stowe explained why the hearing was originally set on Tuesday.

Commissioner McCown stated that he supports the idea of ending the Public Hearing at 10:00 P.M.

Chairman Martin added that a sign-up sheet would be available where citizens will sign up to speak. Each speaker will be limited to 3 minutes. The Board will also be setting up rules that will address "only new comments" not "repetitive" comments. This is to be set up by staff. The time was set for 9:00 A.M. - 12:00 Noon; 1:00 - 5:00 P.M. and 6:30 P.M. until 10:00 P.M. for the evening portion of Sander's Ranch.

BUILDING AND PLANNING ISSUES: PUBLIC HEARING

FOUR-MILE RANCH/FOUR MILE ROAD RECONSTRUCTION

Peter Burgess for Four Mile Ranch Development, Engineer Derrick Walter, Lee Leavenworth, Bob Szrot, Ed Green and Don DeFord were present.

Lee stated that at the time of preliminary their application proposed, rather than pay the off-site fee that we actually reconstruct the Four Mile Road down to the intersection. We knew at the time that it would be more expensive and they proposed to do that to the same road profile that the County had just built where they gave the County that sliver right in front of the entry way and the County had undertaken some improvements adjacent to the subdivision. We proposed to do that within the existing right-of-way. The preliminary plat was approved with the condition "that at the time of final plat approval, the applicant's engineer submit plans for the upgrading of CR 117 to the intersection on Midland Avenue. The plans will be approved by the Board prior to recording the plat. and both of those specification which will also include provision of condition No. 13" of the Resolution which is a turn-lane, which is really not relevant to this discussion. "The applicant shall be responsible for the construction of the road improvements consistent with the approved design and to guarantee construction of the improvements at final plat." Then it goes on to "the impact fee is greater than the cost of those, the applicant shall pay the difference to the County. If not they just pave the road."

Lee said they were here today to talk to the Commissioners about those plans. By way of history, Lee said they met with the County staff back in March (1999) to discuss with them the proposed improvements to the road. At that time we identified some right-of-way acquisition issues that would attend a certain format for improving the road that does not exist under a different alternative. We then submitted to the City in May for their review and comment and unfortunately they didn't get comments back from the City until December - seven months later. It has caused us a significant problem because we're prepared to go to final plat and have submitted our final plat application. We need to be in a position to start construction hopefully by April 1st to be able to get the sewer line. The real issue for us is the sewer line, not the road. Otherwise we can't represent to people when they can receive a CO for their property if we sell lots.

Basically, as we see it, there are 3 alternatives that we wanted to discuss with you to see if we can get some guidance. At this point I would like for Garret to show you what right-of-way exists; what we could do within that right-of-way and what we see as the 3 options that are available concerning the road.

Derrick Walter - what I have before me is a drawing that represents portions of Four Mile Road stretching from the intersection of Midland Avenue up to the beginning of our property at Four Mile Ranch Subdivision. This is approximately 2200 linear feet and (he points out on the map and notes the color code to indicate which portion of the road he is speaking about) here's the intersection, here's Midland Avenue, here's Four Mile. The pink portion represents the existing road as constructed out there right now. The red lines show the deeded right-of-way as received from Sam Phelps, the County Surveyor. As you'll see following up through the deeded right-of-way, we get to a portion right in front of our property for about 4 - 500 feet - the existing road goes outside the deeded right-of-way and enters into the McGregor property creating a prescriptive right-of-way. What I tried to do with the alternatives were to look at cost effective options to install the sewer. Between those options to find out if we were to construct that proposed road platform with two 11' asphalt lanes with 2 - 6' shoulders.

Alternative One - what we looked at was simply to install the sewer; what we need to do, and we thought if we kept the existing road profile, the vertical profile and the horizontal alignment-- if we just installed the sewer at a depth of approximately 6' deep and then patch over that with chip and seal, it would mean that our client would still be responsible for the off-site road impact fee or approximately \$117,000.

Chairman Martin interjected \$740?

Derrick said no it was \$117,000 and that would keep the road exactly how it is up there right now and it would only affect the portion to be patched. And then the County would have that money to do with as they see fit, perhaps with the intersection improvement at Midland Avenue or wherever else it might deem worthy.

Alternative Two - we looked at actually constructing the roadway cross section with the 11' lanes and 6' shoulders - but within the present vertical alignment. And what he came across there was that going up and using the deeded and prescriptive right-of-way, as it exists throughout this portion of the project, there are

two places where he was unable to fit in the full 6' shoulders. And that exists within this portion here - this is approximately 400' I believe in front of the McGregor property. It's a very narrow portion and also it is a steeper portion at the beginning of Four Mile Road. And then right before our project where the prescriptive right-of-way begins, and the third option that is to look and see what we're able to do with changing the vertical alignment to meet the County's desire of 7% grade and still include that roadway back to the 11' lanes and 6' shoulders. And what I came across there was that without the use of a retaining wall we would need a portion of right-of-way to be attained from Mr. McGregor. This portion with two more catch loads with the green portion that you see here-- and this area is approximately 1.6 acres of land that would need to be acquired in order for the roadway platform to be constructed.

Don DeFord said he needed to ask several question - when you talked about the limited length of the roadway in relation to the deeded right-of-way, did you take in account that at the northern end of the right-of-way there are conflicting legal descriptions?

Derrick said when he looked at it in this portion, he was probably able to still maintain the 11' lanes at that intersection and using the existing roadway that is out there, yes we would be able to construct 11' lanes. The shoulders would be minimal.

Don DeFord said even though there's one part that is only about 25' of roadway width?

Derrick - yes, we could construct a roadway vertical grade to make that fit.

Don said so that the area of the Cator property and the property across the road you did take into account the fact that we don't now have a full deeded right-of-way there. Okay, because it doesn't show a limited width roadway down in this portion where as it does in other parts.

Lee - part of that we weren't sure whether our discussions with the City about realigning the intersection you would even want us to put that it at this point.

Don - but at the status on the current alignment this would also be a limited width roadway in the area and north to the intersection wouldn't it?

Lee - just down the road.

Don - okay. And in terms of the -- are the lay backs, shown in green, necessitated if walls are used?

Derrick - no, that's without retaining walls.

Don - that all I have on the subject.

Derrick - I guess at this juncture our concern is delay; curiously the total cost for water and sewer off-site, which in viewing the three alternatives, is not that far apart. It's approximately a \$52,000 spread within the three options. So it's not a function of mine, it's timing.

Lee said we identified these right-of-way issues and it was always our understanding that our proposal was in the existing right-of-way. Alternative Three substantially changes the grade because we save money on sewer -- that's why these option; really financially and Alternative Three is higher but not significantly. We'd like to either put in a sewer line and pay the fee or be able to proceed on April 1st with putting the same roadway platform profile on the existing grade so that we don't incur a delay. That's kind of where we are but the Resolution and Condition does require your approval of the plans and that's why we're here to talk with you about this. We are in our final plat process. We do need to finalize this decision to be able to get final plat approval and move forward.

Option Two would require the County to get additional right-of-way.

Don asked if you use retaining walls, how much right-of-way would we have to acquire?

Derrick answered we need to still require approximately 15' on the greater side for the purpose of those retaining walls - to construct them.

Don - but that's only a temporary easement, isn't it?

Derrick - that what you would need to acquire, yes.

Chairman Martin - still that's about 1 1/2 acres.

Lee said it was important to remember and understand that the retaining walls are extremely expensive and this right-of-way is on hillside preservation, and fairly steep slopes anyway, from a cost standpoint and it does not make sense to build anything else. The right-of-way should be acquired in view of this.

Chairman Martin - and to that hillside preservation, a layback is a violation of that preservation.

Lee - would you need a permit? That is another concern regarding a delay.

Chairman Martin - is that through the City?

Lee - yes to construct roadways or install utilities for them there is a site preservation. The real issue from our standpoint is time. The plans have been out since May, the right-of-way discussions were in March of last year. The delay is going to be a significant financial burden on us, \$80,000 a month in interest alone. We really need to be able to go forward and get the sewer line in; we have a cost estimate.

Derrick said the cost with the retaining wall is approximately \$708,000 with the entire construction of the sewer plan.

Don asked if this would include sewer?

Derrick - yes.

Don - How much is the cost of sewer, do you know?

Derrick - \$170,000.

Commissioner Stowe asked what is the layback option; that's what we really need to look at.

Lee - to acquire the right-of-way drops that down to about \$470,000 - \$490,000 - so you can see that you go from \$470,000 to \$490,000 to \$708,000.

Don - The County's not concerned with the sewer cost, that's your cost.

Lee - the additional cost is the retaining wall, not the sewer cost. That runs between \$490,000 and \$708,000 is the cost of the retaining wall.

Don - let's go back for a second then, with the layback option and the retaining option, what are the cost of each of those without the cost of sewer?

Derrick - Cost of sewer is \$170,00. The cost of construction with the walls is approximately \$530,000.

Don - and with the layback?

Derrick - and the layback is approximately \$422,000, a difference of about \$116,000. This is less expensive and something they have actually never agreed to do. We always said we would be faithful to the existing right-of-way, we never had a discussion on changing the road.

Lee - Well, we particularly never said we would acquire... to do Alternative Three will require additional right-of-way under any circumstances.

Don - yeah, but that minimal for construction as long as you are talking temporary construction easement. Chairman Martin said they may have some real opposition to a wall in that area.

Lee - from appearance standpoint, a wall is the worst option.

Chairman Martin - it is the worst option.

Lee - from aesthetics.

Don - and for safety, what is the best option?

Derrick - from the safety perspective, Alternative Two. Well, Alternative Three would be a steeper grades for the driver.

Don - you would reduce the current grade substantially, wouldn't it?

Derrick - the present grade is approximately 13% - we would be looking at reducing it down to 7%. But that also requires additional right-of-way so we need to create side slopes at a comfortable slope - 2 to 1.

Commissioner Stowe - on those if we did Alternative Four with retaining walls.

Derrick - and with that one thing you might be looking at is that the walls would require guardrail along the canyon walls, the lower side traditionally because we have that beam down there.

Chairman Martin - it's covered with sage brush right now.

Lee - and I'd like to point out that if, when we made the offer to do the road, we knew it was going to be more expensive - the fees are \$117,000. I guess we had narrowed it down to try and define into a \$500,000 plus road. When we made that representation it was to put the 2-11' and 2-6' and the bar ditch within the existing right-off-way at the existing grade.

Don - I disagree with that, there was never an agreement to do it at the existing grade. That was an open item. The record does reflect that.

Lee - well, you know that was clearly what we said in the preliminary plan application. I talked to the Commission. The retaining wall option is really too expensive for us to bite off.

Commissioner Stowe - obviously changing grade seems to be a more viable option.

Bob Szrot - I remember way back - it was March, April - I was under the impression that the developer was going to "fix" the road and what that entailed in my understanding was we're looking at - there's three costs - there's three parts to fixing the road: 1) vertical grade which makes it not as steep; 2) the horizontal alignment which straightens the road out. (Bob prefers the layback so you have site distance) This is a dangerous interchange. and 3) where the road is going to connect into the interchange. This has kind of been a moving target so looking at from three components, he didn't feel comfortable with really any of the options because they limited the scope that they were going to address. What he would like to see out of this project is improved grade; improved horizontal alignment - straighten the thing out - let's get some site distance so as people come down the hill they're not going to come down blindly into the interchange at CR 117 - CR 116 and then to a lesser degree look at how this connects to the interchange because when he first got this to review, one of the questions that came up is - should I look at this in relation to the interchange

or should he just forget the interchange and just look for the road going up. The interchange hasn't been resolved. So again, we can go either way - if I prefer not to look at the interchange we're still looking at vertical and horizontal alignment. Bob said he didn't feel comfortable with what's presented.

Commissioner Stowe - if we don't want to address that vertical drop through there now, and they put the sewer line in at the 6' depth, then we would have to go back if we ever do decide to re-address it, then we would have to relocate the sewer line also.

Several agreed.

Lee - said he wanted to make it clear, even the Condition, as I read it, never contemplated us realigning that intersection.

Commissioner Stowe said that was most of Bob's priority anyway.

Bob Szrot said that was a City/County cooperative venture.

Lee - and I guess Bob was unclear when he said that none of these alternatives address the grade issue.

Bob - said both issues - horizontal and vertical alignment.

Lee - well, doesn't Alternative Three do that? We put in exactly what the County did in front of our property when they gave them that land all the way down to the intersection not including it.

Bob Szrot - okay. Well, I wish what the County did in front of the property, when you gave the land, that in my mind doesn't play into this discussion. I'm looking at - you're putting in a development that's going to increase traffic flow - I've got a dangerous interchange between CR 116 - CR 117; how can we make this better.

Commissioner McCown - Bob, would you agree that, not only from an alignment standpoint, it seems to me like the biggest improvement we can make and let's stop - let's take the intersection out of the equation and stop 50' - 100' whatever back from the intersection, it's improvement in grade. If we can keep it consistent grade coming through that intersection, number one it will provide the site distance that you need. If the alignment, if those curves are straightened, it will make a safer pattern of travel because you'll be traveling in a straight line and you'll not be encountering any curves, you'll not be coming over the crest of any hills. So to me the primary objective that we need to look at today is the grade and the elevation. I think we've got 2200'; you're projecting a 7% grade - to me that is a safe sight distance as long as this alignment is straight on a 7% grade, you should be able to encounter that intersection safely.

Bob said he agreed wholeheartedly if we had to pick between vertical and horizontal, he would say the vertical is the most critical. Once that's established then horizontal as far as some additional site distances and straightening some of the little hitches in there, that could be taken care of secondarily.

Commissioner McCown - I guess I'm very reluctant to get into a commitment on the existing roadway with you installing your sewer with a 6' grade from the existing roadway and then having to come back in a few years and relocate that sewer - that is going to probably double or triple the cost to whatever we would do at that time - not to mention the disruption of service for your subdivision. I don't know, the retaining wall, the layback concept, we're opening up a complete can of worms with the layback concept, number one we don't know if we can get a permit. If we chose that alternative we do not have a permit in hand to say yes this will work because we don't know if we can get a permit to get on those slopes. And that does belong to the City and as of date, we've not gotten a commitment from the City to allow anything like that to happen.

Lee - well the staff indicated to us that they would support that permit - they don't have to make that decision.

Commissioner McCown - that's right - that's the scary part.

Lee said their biggest - he didn't think the Condition required them to acquire additional right-of-way.

Obviously we have no power of condemnation and we can't, so he didn't also believe, at some point we will be forced to argue about the viability and legality of this condition if they include \$720,000 for retaining walls. What we need is a date by which, if this right-of-way can't be obtained, we can go forward with Option Two or Option One but..

Commissioner McCown - I guess right now he would recommend Alternative Four and I don't know how receptive you would be - that is going to generate the need for an easement which would be our responsibility the way I see it Don. A construction easement. The difference in the cost of the walls as opposed to the layback, I would see the County cost-sharing in that - a 50-50 share on the differences of whatever the cost of that wall as opposed to the layback scenario. I would see us as bearing part of that cost. But to me, that's scenario would allow a safer road within the confines of what we now have as an existing prescriptive use right-of-way all the way through and not require the permitting process, the laying back of the sacred hills and this type of thing. To me that would make a smoother and safer operation, Lee.

And I would, as far as the \$160,000 difference in the two projects, I would see the County participating as half, as bearing half of that cost.

Commissioner McCown and the construction easement will be the County's responsibility.

Your sewer line will be put into a grade that would allow the 7% grade from the beginning of your job to the intersection. Your sewer line would be placed at that elevation; we did and you back fill your ditch, do your thing, and at the time the County would get the access easement to construct an access easement, the road improvement could take place.

Lee - our primary concern would be that if there was any significant delay pertaining to construction....

Commissioner McCown - that shouldn't affect your sewer line.

Lee - the problem is you can't do a sewer line under this alignment of grade, without doing the road at the same time.

Chairman Martin - you'll have to do some cutting before you go ahead and put this down.

Commissioner McCown - it's just the difference in the depth of your

Derrick - if you wouldn't mind, throughout this portion we're looking at tearing out approximately 8' - 10' of existing roadway and particularly to create those 7% grades. We would have to take the sewer down say it was 13', we would end up tearing down the entire roadway to begin with and then the traffic concerns would also be there because you're digging a 13' trench, we will end up tearing down the entire road in order to do so.

Commissioner McCown but in your plan don't you have a traffic plan to keep traffic moving during that period of time that the road's under construction? Whether you were putting in the sewer line or rebuilding the road, that plan would be in place.

Derrick - one of the major constraints we have though is width and if we're digging down 13' that reduces our width of driving surface, vehicles minimal 7' driving lane to detour traffic.

Lee - Joe just informed me that if we were to try and build the sewer line at this revised grade, if they are not doing the whole project simultaneously we're going to increase the sewer cost by about 30%. So it's really got to be done; you don't want to put in an existing grade and change under it later. It's a huge problem.

Don - and don't you anticipate doing the road this year?

Lee - my point is what if we can't do this temporary construction easement by April 1st - that's going to really start causing us delays and believe me I know. We wish this discussion had occurred a long time ago but you know we waited for 7 months for the City.

Commissioner McCown - that wasn't our fault.

Lee - we also have done the evaluation last March. I'm not trying to point a finger at you, that's not the point, we're just trying to figure out a solution where it works for both of us. We would obviously have had anything else appropriated there that will benefit our project - we wrote the numbers without barring the right-of-way, that makes a significant difference. But our biggest concern is delay and that's why if there is a significant delay with this temporary construction, that's a huge problem.

Don - let me ask you a question, it appears but I'm not sure of this, that we will be dealing with one property owner. Is that correct?

Bob Szrot - pretty much - there might be some other issues down the road.

Lee said some other things he would like to suggest to you if this is what you decide, we need to open the alternative of acquiring the right-of-way and getting the permit to avoid the retaining wall.

Don - plus save money.

Lee - if you are willing to put half of the - \$116,000 into the retaining wall. Larry Thompson was very clear to me that he viewed the revised grade as a better road. Even though he was only commenting on sewer.

Commissioner McCown - but experience tells us that what staff may indicate on a project, does not necessarily hold true when it gets to elected officials.

Ed - can we get an easement faster than we can get a right-of-way?

Chairman Martin- maybe.

Don - we'll have to talk to the property owner and find out.

Commissioner McCown - in either case

Don - in either case, we just don't know until we ask. I would think not, but I don't know.

Lee - an easement as opposed to acquisition of...

Commissioner Stowe - I guess I have no problem with either option, as Larry says the grade is the most important thing in my mind and there's no sense to put the sewer in at that alignment without constructing

the road, albeit the laybacks or retaining walls - that part really doesn't concern me as much as the most expedite for you and in what you can accomplish. The laybacks are dealing with the City of Glenwood and the permit process you said it took you 7 months to return your call last time.

Commissioner McCown - quite honestly I think we could expedite this by talking to the land owner and getting a construction easement much faster than we can go through the bureaucratic process.

Lee - I don't know that we don't need a permit for the temporary construction.....

Chairman Martin - because you guys are going to have to work on that hillside anyway.

Commissioner McCown but we're going to working primarily in the confines of the existing right-of-way. Very little encroachment.

Chairman Martin - the road but not the construction.

Lee - and with that we may be able to argue that we're not putting the road within the hillside preservation in this go around, maybe we can avoid the permit.

Don asked if they had estimated a time for construction? Over a length of time.

Lee - 3 months.

Don - so could you push back April a little if we had to.

Lee - we would like to start April 1 so that we can start building and get a CO at the same time.

Derrick - one other thing we talked about is with the site distance. The portion that seem to be of concern is obviously in the intersection here - if we're able to obtain some right-of-way from Mr. McGregor, we'd be able to straighten that alignment out by putting your access easement into the intersection.

Chairman Martin - and that's going to the impression that the intersection is going to be reconfigured at the bottom.

Derrick - In the same sense, we'll still provide a straight path into that - change the road from what we have now almost coming into a slight S.

Chairman Martin said what the County is talking about swinging it to the east so that you're going to have a link there to a "T" intersection instead of the "Y".

Commissioner McCown - that hasn't been decided yet.

Commissioner Stowe - we would be willing to participate in \$50,000 or about \$60,000 to the retaining wall option providing we can get all the permit process in place, the layback and we'll have to purchase some right-of-way there -- there would be an approved grade.

Commissioner McCown - what about the permitting process and the responsibility has to.....

Lee - I think that would substantially help us and give us some flexibility that we negotiate acquisition of whatever easement or right-of-way.

Commissioner McCown - it would be an amount not to exceed 1/2 of retaining wall which is \$116,000. \$116,000 was the difference in increase in cost. We are willing to assume 1/2 of that.

Either option. We would assume half of that cost under either scenario.

Lee - well I know what I can deal with. This helps a lot.

Commissioner McCown - I think both the horizontal and vertical alignment of this road is critical to make not only your project more viable but everything else at that intersection.

Lee - no one can argue that's a bad stretch of the road and I assume we are okay with the grade during that time.

Commissioner McCown - yes.

Lee - I think that gives us the guidance we need.

Commissioner McCown - the question is the timing.

Bob Szrot - I think I prefer the layback.

Don - if we can do that timely that's everyone's preferred option.

Chairman Martin - on the inspection of your wastewater pipeline, is that going to be done by the City? When they do that inspection and acceptance of that with the grade and everything?

Joe - High Country Engineering - they do the inspection for the City. They will do the final walk through with us.

Lee - the offside line gets dedicated to the City. The on-side stuff is held by the Association for a year and then gets relayed to the City - that's our agreement with the City.

Chairman Martin - and your pre-annexation agreement is still in place at this time?

Lee - yes.

Bob Szrot - one other point is - the thing you guys may need to do is draw up some kind of traffic flow diagram and submit it to us. Once this kicks up - he'll probably start getting a few phone calls. He said he wanted to make sure we can keep traffic moving and whatever your scenarios are.

Lee said at least you will be able to say, they're changing the grade and making it a safer road.
Bob Szrot - like I said, we're going to be changing the grade, and it sounds like you're going to be moving to one lane of traffic if we're lucky, and there will be some delays. I need to know all of this on the front-end before we go any further.
Joe - we'll require our contractors to develop a maintenance traffic plan.
Don - is this enough direction, Lee? So you know what we're doing.
Lee - said yes.

CONSENT AGENDA

- A. Approve Bills
 - B. Sign Resolution of Conditional Approval Concerning the Preliminary Plan of Aspen Equestrian Estates Subdivision of the Preshana Farms Planned Unit Development.
- A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items A & B and authorize the Chair to sign; carried.

REGULAR AGENDA

A: REQUEST FOR APPROVAL OF THE SITE APPLICATION FOR CORYELL RANCH LIFT STATION

Don DeFord, Attorney Larry Green, Schmueser, Gordon, Meyer - Greg Schroder, Mark Bean and Bob Szrot were present.

Larry Green provided a brief summary of the project. He mentioned under the Department of Health the necessary requirements include a site permit for a lift station. He provided the Board with the application which will gather the waste on the Coryell Ranch site at the river and through a force main, send it across under the river and connect to the existing sewer line within Aspen Glen, then onto the wastewater treatment plant.

Mark Bean summarized that the Commissioners have three options in terms these of types of applications: 1) approval; 2) disapproval; or 3) no comments. This will need to be handled by the Board of Health. This is advisory and Mark will take this to the Planning Commission on Wednesday, January 11, 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recommend approval to the Planning Commission of this Site Application for Coryell Ranch Lift Station; carried.
Board of Health

A motion was made to go into the Board of Health by Commissioner McCown and seconded by Commissioner Stowe; carried.

Commissioner Stowe made a motion to recommend approval of the site application for Coryell Ranch Lift Station to the Planning Commission. Commissioner McCown seconded; motion carried.

Commissioner Stowe moved to come out of the Board of Health. Commissioner McCown seconded; motion carried.

REQUEST FOR APPROVAL: FINAL PLAT AND SUBDIVISION IMPROVEMENT AGREEMENT FOR THE CORYELL RANCH AND MIDLAND POINT SUBDIVISIONS.

Don DeFord, Mark Bean, Larry Green and Don Poris, General Manager of Coryell were present.
Don stated the completed mylars of the final plat of Coryell Ranch and Midland Ranch Subdivisions as well as the Subdivision Improvements Agreement are ready to be presented to the Board. Don highlighted the following - for the most part the SIA is in the standard form required by Garfield County. One of the unusual elements of this agreement concerns Affordable Housing as this is one the earlier subdivisions coming through our process in which Affordable Housing will be required. This housing, as anticipated would be constructed units for sale, not for rental. After struggling with some of the language of the approval documents, Mark Bean, Larry Green and he agreed to a system to the Board whereby a deed restriction will be recorded as it regards eventually seven properties. Of these there will three duplex and one single unit. It will eventually be Affordable Housing pursuant to those deed restriction. These will be actual constructed units for which the developer is undertaking responsibility.

Don reviewed those who had reviewed the document. He advised the Board that final authority had not been received from the Housing Authority, therefore he has agreed that Larry Green has put a provision in the SIA that allows that deed restriction to be completed and recorded by March 31, 2000. If that does not occur, it will constitute a violation of this SIA and allow the County to enforce that agreement.

Additionally, Mr. Green's client has agreed that they will construct the first four affordable units and have them available for sale by the end of November of 2000 consistent with other subdivision improvements and the remaining three would be constructed and for sale by the end of the 2001. The remedy for failure to comply with that provision would be breach of the SIA - one of which is revocation of the entire plat.

Both Mark and Don agreed that the County is adequately protected.

Don recommended that the Board sign this agreement and that it be held for recording in receipt of appropriate security which is provided for in the agreement and the signature on the final mylars by the County Surveyor.

Larry stated there were payment of fees of \$85,000 and this would be Monday or Tuesday of next week.

Don requested the Board to make a motion authorizing the Board to sign the SIA for Coryell Ranch and Midland Point Subdivisions and mylars for those subdivisions and direct the Clerk to hold recording of those documents pursuant to the representations of Mr. Green.

Larry Green that conversations had been held between the Housing Authority and the County Commissioners as to who was actually the beneficiary of those deed restrictions. Tom Beard did not realize that the Housing Authority was going to be the beneficiary. This needs to be sorted out by March 31 so that Larry can know who to make this out to.

A motion was made by Commissioner Stowe to approve the Final Plat and Subdivision Improvements Agreement for Coryell Ranch and Midland Point Subdivisions and instruct Mildred to hold the mylars until such time as the County Surveyor has reviewed and signed, also to authorize the Chair to sign.

Commissioner McCown seconded. Motion carried.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest

Chairman of the Board

JANUARY 17, 2000
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 17, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Fair Project Schedule

Updated Organization Charts

Electronic Fund Transfer - GYS

A motion was made by Commissioner McCown to authorize the Electronic Transfer of funds to Garfield Youth Services in the amount of \$8722. The funds will be from the treasurer to Garfield Youth Services. Commissioner Stowe seconded; motion carried.

Professional Planning Services

Agricultural Cluster Task Force

Mark Bean explained the way the regulation could take a piece of property that would qualify under the various scenarios. The Agricultural Cluster Regulation would be a beneficial alternative versus splitting their property to 35 acres.

Tim Malloy put together a brief proposal with alternatives to using this Regulation and the benefits to the property owner.

Tim Malloy with the Carbondale Agricultural Heritage Fund put together a proposal that will sponsor this. The group has agreed to fund 1/2 of this project cost if Garfield County is willing to fund the other 1/2. The cost is projected at a range of approximately \$2,040 to \$2,720 - Garfield County's maximum would then be \$1,350. The County could do their own base map preparation therefore reducing our contribution by about \$170.00 making the cash outlay somewhere between \$800 and \$1,100. Mark explained that these funds were not built into his budget for 2000.

Mark assured the Commissioners that this Regulation would not change the underlying zoning. The landowner could determine if he wanted to divide into 10 acre tracts, 35 acre tracts, etc. This would be a one time deal; they would receive their density bonus for placing the land into preservation beyond 80%.

A motion was made by Commissioner Stowe to approve the expenditure and match the funds. Commissioner McCown seconded the motion; carried.

Sanders Ranch Hearing Proposal

Mark Bean reported a request from the Roaring Fork Crystal Alliance (AFCA) to have time on Tuesday morning to make a presentation. Since the Commissioners haven't finalized the hearing process, Mark just wanted to let them know of the request. This would replace individual comments of those associated with the RFCA.

The Commissioners agreed to give them time on the morning agenda.

Landfill Conversion Schedule

- Install Weight Indicator and Associated Software - January 18, 2000
- Database Conversion - January 19 - 21, 2000
- Staff Training - January 24 - 28, 2000
- Parallel Test - January 24 - 28, 2000
- Corrections and Additional Training - January 31 - February 14, 2000

- Final Cut Over - February 14, 2000

Issues to Discuss with City of Glenwood Springs

- Discussion of County Road 116 and 117
- Discussion Relocation Utilities (Jail)
- Discussion Street Closure Pitkin Avenue Between 7th and 8th
 - Traffic Study
- Discussion RTA
- Discussion Funding South Midland Bridge to Highway 82

Jail Action Items

- Final Cost Estimate of Sleeving
 - Coordination with City at Joint Meeting
- Electronic Transformer and Pylon
 - In the Way of Utility Construction
 - 60 Day Maximum Down Time
 - Reilly Johnson to Discuss Utility
- Selection of Contractor for Coordination of Voice and Data - Tim Arnett
- Construction Parking
 - Need Map from City
- Prepare Wye Parking Area
 - Don DeFord Negotiates Lease with Union Pacific
 - Randy Withee and Tom Russell Plan Physical Improvements
- Snow Removal Plan
 - Dale to Prepare
- Pre bid Conference - February 15, 2000
- Video Visiting
 - Not Part of Design
 - Need to Find an Expert - Tim Arnett
- Date to Close Pitkin - March 20, 2000
- Status of Removal of Items from Basement - Randy Withee and Guy Meyer
- Advertisement for New County Engineer - Phyllis Lundy
- Consultant Engineer to Oversee Jail Construction Only - Dale Hancock
- Fire Department Request to Move Trash Bin - Discuss with City

The agreement with the City was okay but the Fire Department cited that it was in an unsafe location as relates to their fire safety operation. Their request is to move it to a new location. Ed explained that in order to accommodate the Fire Department would require opening up the process with the City. This will be discussed with the City at the January 18, 2000 meeting.

Jail Final Cost Estimate Meeting

- A meeting is scheduled on Wednesday, January 19th from 10 A.M. till Noon in Don's Conference Room.

YUCCA Mountain Fact Finding Meeting

COUNTY ATTORNEY'S UPDATE

Georgia Chamberlain and Don DeFord were present.

A. Signing of Financial Advisor Agreement

Don presented the Professional Services Agreement between American Money Management Association, Inc. (Advisor) and the Board of County Commissioners (Client) to provide investment advisory services for a specified portion of the Client's Investment.

The changes the County requested concerning representation by Garfield County have been accepted. They also made the alterations requested concerning disclosure and potential conflicts as it relates to material conflicts of interest.

With those changes, he recommended that the Board authorize the Chair to sign the Investment Advisory Agreement.

Georgia said there is an understanding that she will insert the two appendix items they requested.

Don explained that one was the Investment Policy with Garfield County and the Portfolio insert.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign said documents; carried.

EXECUTIVE SESSION

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss Buffalo Ranch, LLC.; discuss and advise on proper procedure on land use issues; and advise on Rural Transportation; carried.

Don asked Jim Leuthueser and he be the only ones in the discussions.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Approval of Position Classifications - Phyllis Lundy

Phyllis Lundy presented the board with a list of position classifications and pay scales with the new salaries for the Board's approval.

A motion was made Commissioner Stowe to accept the recommendation as presented by the Personnel Committee. Commissioner McCown seconded.

Discussion

Chairman Martin stated there was one clarification. There is a group that other statutory requirements, such as the Sheriff's Office and they are only advisory on this - they have their own Personnel Classifications.

Phyllis stated they have all of their employees classified into this system.

Chairman Martin mentioned they are elected and have their own Personnel Rules and Regulations; also if there is a conflict between the County and the Sheriff's Office - who would rule. Example being a move people laterally, not a promotion. Can they do that without changing classifications?

Phyllis added that the Personnel Committee would have to look at the details of the situation. She added that on the Classification Committee there is a representation from Social Services and from the Sheriff's Office. There hasn't been any problems since she had been there.

Commissioner Stowe mentioned that the Sheriff is a voting member on the Committee as well.

Motion carried.

Growth Plan Discussion

Phyllis Lundy stated one of the factors used in classifying is called "working environment" and the way it was set up in the past was to go by the Workman's Compensation Classification System. There are four different levels and has to do with types of claims of different departments. There is a discrepancy between the actual work environment of the public health nurses and how they are classified in the County's Workman Compensation Classifications. The Personnel Committee and the Classification Committee is in agreement that the nurses are a level two because of blood born pathogens. The Nursing Department has been penalized 10 points due to the current classification as a one. The Personnel Committee voted to allow the nursing staff to add 10 points.

The second part of this discussion the Personnel Committee has asked Phyllis and Judy to do a reexamination of the entire classification of everyone as related to the environment.

Commissioner Stowe explained further justification to look into this issue basing it upon the fact that Election Judges are classified as a two. Therefore, the request is to evaluate this particular component as a viable means of classifying safety issues.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to upgrade the nurse's staff to level two as far as compensation and job evaluation levels presented by the Personnel Committee; carried.

LIBRARY BOARD

Phyllis Lundy stated they had advertised for applicants for the Library Board. Those who submitted applications include Mary Moore, Jan Ward, and John Steele.

Commissioner McCown moved to appoint Mary Moore to the Library Board. Commissioner Stowe seconded; carried.

COMMISSIONER REPORT

Commissioner Stowe mentioned the updates of the committees as follows:

Personnel Committee - discussed today

Rural Resort Region met and support Russ George and his Bill before the Legislature and moving ahead with the Child Care Program with the 5 County area. Also other Bills that would affect the 5 County area as well during this term of the Legislature.

Intermountain Fixed Guideway - Miller Hudson was part of the program and filled in the Rural Resort Committee on the fixed guideway. The emphasis will be done next month of the eight items narrowed down to the ones to work on in 2000.

Chairman Martin mentioned: that the regarding

Town Meetings being held from Carbondale to Parachute.

The Metro District in Parachute and Battlement Mesa has been resolved. They are going to join forces.

RTA - Jogging and biking path coming out of Carbondale affecting Garfield County along the Sutank Bridge and CR 106. Also a bike path down CR 109. Carbondale has asked the County to work with them on these ideas.

APPROVAL OF THE MINUTES OF 2000 - BOARD OF COUNTY COMMISSIONERS

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the remaining Minutes of the Board of County Commissioners from January to December 2000 including all special meetings, as corrected; and to authorize the Chair to sign. Motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Joe Casteel, Carbondale regarding Sanders Ranch had three issues he addressed.

Chairman Martin summarized these comments by saying what they heard Joe say was to have a controlled, fair and reasonable hearing; and putting the priority on the citizens of the County.

Al Maggard - Chairman of the Jail Advisory Board

Al presented to the Commissioners a draft resolution regarding the replacement of the Jail Advisory Board with a Criminal Justice Board. The request is to have a place on the Agenda within the next several weeks. Al explained that the resolution materialized from the workshop held in Grand Junction where Chairman Martin and Commissioner Stowe attended. The resolution is similar to the Criminal Justice Board in Mesa County.

A date and time was set for February 14 at 10:15 A.M.

BUILDING & PLANNING ISSUES:

Growth Plan for Garfield County

A workshop with the Commissioners and the Planning and Zoning Board was scheduled for February 23, 2000 from 6:00 - 7:00 P.M.

PUBLIC HEARINGS/PUBLIC MEETINGS:

REQUEST FOR APPROVAL OF THE VOICESTREAM WIRELESS SPECIAL USE PERMIT FOR PLACEMENT OF A COMMUNICATIONS FACILITY. LOCATED: BAIR RANCH, EAST OF

GLENWOOD SPRINGS, COLORADO, IN THE GLENWOOD CANYON. APPLICANT:
VOICESTREAM PCS II CORPORATION

Don DeFord, Kit Lyon, and Voicestream Susan Cuningham for Rousseau

Don reviewed the legal notices and proof of publication. He advised the Commissioners that the notification was adequate and they could proceed.

Chairman Martin swore in the speakers.

Kit Lyon submitted the following Exhibits: Exhibit A - Certified Green and White Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Comprehensive Plan- 1995; Exhibit D - Garfield County Zoning Resolution; Exhibit E - Staff report with attachments; and Exhibit F - Application.

Chairman Martin admitted Exhibits A - F into the record.

Kit stated that Voicestream is proposing to place a 25 foot tower at the Bair Ranch in Glenwood Canyon to provide fully digital cellular services to County residents. The tower will be visible from I-70. The proposed use appears to be generally consistent with the Comp Plan. The Plan does advise the use of landscaping and screening to mitigate the visual impacts. The facility must be approved by the FCC and comply with the industry standards. The Zoning Resolution requires that facilities be made co-locatable when possible in order to minimize the peripheral of facilities. The applicant has stated that there are no co-locatable opportunities and needs to support this statement more fully to explain why. Screening at the base area would help minimize visual impacts to Glenwood Canyon. If the Board finds that screening is unnecessary then a finding needs to be made that in this particular situation given a location and backdrop the visual impact is adequately mitigated.

Staff recommends approval with 5 Conditions.

Recommendation:

- A. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
- B. That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.
- C. That the facility shall be approved by the Federal Communications Commission and comply with industry standards.
- D. That the base of the facility (a height of 6') be screened with landscaping vegetation sufficient to obscure the equipment and base of the monopole in order to reduce visual impact.
- E. Once the facility or location is not longer needed by the permitted company, the site must be restored to it's original condition.
- F. Screening material of a colored type, which is compatible with the surrounding landscape, shall be used for the fence.
 7. That a pole in the height of forty-five (45') shall be allowed based on the approval of the landowner.

Commissioner Stowe moved to close the Public Hearing; Commissioner McCown seconded; carried.

Commissioner McCown made a motion to approve the Special Use Permit for re-replacement of the Communication Tower by Voicestream Wireless with the conditions listed by staff deleting the condition in No. 5 and inserting "Once the facility or location is not longer needed by the permitted company, the site must be restored to it's original condition" and adding No. 6 "A screening material of a colored type will be used for the fence compatible with the surrounding landscape"; and No. 7 "That a pole in the height of forty-five (45') shall be allowed based on the approval of the landowner."

Commissioner Stowe seconded the motion. Motion carried.

REVIEW OF THE COMPREHENSIVE PLAN FOR ROARING FORK RAILROAD HOLDING
AUTHORITY

Dennis Stranger reviewed the document he presented to the Board.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe to go into an Executive Session to discuss legal land use. Commissioner McCown seconded; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

CONSENT AGENDA

- a. Approve Bills
- b. Approve Final Plat and Subdivision Improvements Agreement for the Clinetop Ranch Subdivision
- c. Determine whether Conditional Use Permit to be Reviewed at Public Meeting or Public Hearing and Set Date for Said Meeting - St. Mary of the Crown.
- d. Approve Development Agreement for the Rose Ranch Planned Unit Development

A motion was made by Commissioner McCown to approve the consent agenda Items a - d and for Item c. a public meeting be held on Monday, February 7th in Land use time between 2 and 4 P.M. Commissioner Stowe seconded the motion; carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Census 2000

Joyce Clark, Garfield County Volunteer to help with the Census 2000.

Joyce commented that Garfield County needs the Census Bureau and the Census Bureau needs you. She elaborated on the importance of the numbers for community planning, funding, roads, education, help programs, job training, housing, youth, family and senior programs. Without an accurate count many of these programs will suffer. Additionally, the Census count has and will determine, since 1790 determines each States number of seats in the U. S. House of Representatives - this is the purpose for which the essential Census was established by the Constitution. District 13 is also determined by the Census. We need an accurate count. What can you do? You can promote the Census count; everyone needs to understand the importance of this. It is a safe - the Census Bureau is not telling everyone but they do not connect the person's name or address with their answers. Government and private agencies use statistical, not individual records. Anyone who operates a business should promote the count by displaying a poster encouraging the count. Newsletters and verbal communication was recommended.

A tremendous work force is needed for a short period of time. The rate of pay for Census takers is \$9.50 per hour and 32.5 for mileage.

Contracts are: Joyce Clark - 945-4606; Lisa Cain in New Castle at Town Hall and John Martin in Glenwood Springs.

She gave a toll free number - and an address of 105 1st Street, Grand Junction.

Rob Hyyks is the coordinator for the County Census 2000.

Commissioner McCown mentioned that funds from Associated Governments are available in the form of a block grant of \$2000.

REGULAR AGENDA

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Health; carried.

BOARD OF HEALTH

Lisa Pavlisick and Mary Meisner were present.

Healthy Beginnings

Lisa provided the Board with a report of 1999 and mentioned their annual meeting would be held on January 20, 2000 from noon to 1:00 P.M.

Sarah Hess gave the Prenatal Plus Update in connection with the Mental Health Expansion of Colorado West Recovery for a substance abusing pregnant women programming. She also mentioned the registered dietitian as part of this program.

Lisa stated that the dinner dance and auction would be held on April 29 at the Hotel Colorado.

Commissioner McCown volunteered to be the auctioneer.

Prospective board members include: Anne-Marie Kelley and Shannon Voorheis. Lisa gave the Board a Topic Presentation schedule for the year 2000 as well as the 2000 meeting schedule of the Garfield County Human Services Commission.

Nursing

Mary Meisner commented that everything is running smoothly in her department.

Miles for Smiles Program

Mary stated this dental task force would be in Garfield County in March 2000. She gave the Board a schedule of the Cardiology and Neurology clinics to be held January through December 2000. Brenda Slaphey is the nurse that handles referrals.

Bio-Terrorism - Health Alert System Project

Mary stated she would keep the Board informed as updates were available. What they are looking for at the present is to make sure the County can be computer-linked. This is the first step in the process so that information can quickly go from CDC to Grand Junction to Garfield County. They are looking at technology and the things Garfield County needs to build that infrastructure.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health.

HUMAN SERVICES COMMISSION

Lisa Pavlisick, Chairperson - Kay Vasilikis; Vice-Chairperson Debbie Wilde; and Deb Stewart of RSVP provided the Board with a "A Profile" - the Garfield County Human Services Commission 1999-2000 developed through cooperative efforts of the Executive Committee.

Deb indicated this was the 3rd year they have put this document out for distribution. Major changes were made this year in how they were asking agencies for information. She highlighted page 33 of the "Profile" report that gives the history of Human Services Development in Garfield County.

SOCIAL SERVICES

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Minutes of the Board of Social Services for the year 2000 - January through December as submitted and corrected; also to include the signature of the Chair. Motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

BARRETT RESOURCES: INCREASED WELL DENSITY

Parachute District Manager Steve Soyachak, Brian Jacke, Assistant Director of the Colorado Oil and Gas Commission, and residents of the affected area were in attendance.

Barrett Resources Corporation plans to ask the Colorado Oil and Gas Conservation Commission (COGCC) in February 2000 to allow 20-acre density spacing for new wells on more than 9,000 acres in the Rulison, Parachute, and Grand Valley area. The request would allow the company to extend the life of the drilling inventory in the three areas from two to six years.

Steve Soyachak stated that Barrett Resources has received approval for 20-acre spacing in two areas covering about 4,000 acres back in 1998.

Barrett has leases over 160,000 acres. The benefits of additional 20-acre well density spacing would include more tax revenue for the county as well as help state and local economies.

Chairman Martin added that this was false information because Garfield County sees very little revenue. The states takes a large portion and the area school districts also receive a share. He commented that the County is paying out more for road repairs than they receive in revenues. Steve told the Commissioners that there will be a public forum at the end of February. The meeting before the COGCC will be held in mid-March in Denver; they usually make the decision that same day.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest

Chairman of the Board

FEBRUARY 7, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 7, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Approval and Signing of Motorola Jail Radio Contract

Tim Arnett presented.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the expenditure of \$10,000 for design for Motorola for the Jail Radio System; carried.

Vehicle Purchase Approval: Motor Pool and Road and Bridge and Sheriff

Tim Arnett and Tom Russell presented. Tom explained the need for the purchase of vehicles:

Road and Bridge - (3) - 3/4 ton pickups for \$91,900.00 from John Haines Chevrolet; and 2 Ford Expeditions for \$59,348.00; 1 Ford Taurus; and 1 15 pass E-350 Club wagon for a total of \$62,365.00; and 1 Ford Expedition and 1 Ford Windstar for the Sheriff - \$108,380.00.

Total requested - \$310,000.00.

Commissioner McCown made a motion changing the approval the Motor Pool vehicles changing the number of Expeditions to (1); increasing the number of 3/4 ton pickups for Road and Bridge from 3 - 4 which will change the amount of money for an increase of \$6,674.00. Commissioner Stowe seconded. Motion carried.

Stephens Hill Cost Estimate

Tom Russell reported that this was not quite ready. He gave an update and stated he would proceed to obtain a dollar figure; estimated around \$10,000 - \$12,000.

Highway Users Trust Fund Certification Approval

Tom Russell presented.

Tom explained that this included in the road inventory for this year. The staff checked the roads, mileage and the total amount of miles of arterial roads went to 401.52 versus 409; miles of local roads 337.97; HUT eligible roads 739.49 from 747.21; and non-maintained HUTF roads of 11.79.

Commissioner McCown moved to approved the HUTF Certification. Commissioner Stowe seconded. All three Commissioners must sign the HUTF Certification. Motion carried.

Certify Ownership of Gas Wells Production - \$25.00

Ed presented a standard gas lease for Barrett Resources in the amount of \$25.00 and requested signature of the Chair.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the gas lease for royalties for \$25.00. seconded

Ambulance License: Grand Valley Fire Protection

Dale Hancock explained that the Grand Valley Fire Protection Ambulance had an accident and is currently in repair. They will use a borrowed one from Eagle until the repairs are completed.

Commissioner Stowe so moved to authorize the Chair to sign the issuance of a license for Grand Valley Fire Protection District operating under Eagle Ambulance. Commissioner McCown seconded; carried.

Fairgrounds Authorization to increase Fairgrounds Maintenance position to Full Time.

Commissioner McCown made a motion and Commissioner Stowe to approve the additional .25 FTE maintenance for maintenance position with the Garfield County Fairgrounds; carried.

Copiers

Tim Arnett reported on the search for copiers and the best method. This is based on a per copy. Xerox Digital Copiers can tie into the fax machines. It allows 50,000 copies per month per copier and is a yearly contract.

Commissioner Stowe moved to authorize the Chair to sign the yearly contract for the copier machines with Xerox on a lease, per copy. Commissioner McCown carried.

Cost to Kid-Proof Courthouse Stairs

Ed said he is currently concerned on the south end of the stairs with young children generated by the Nurse, Healthy Beginnings, as well as the general traffic, with kids playing on the stairs. Tim Arnett did research and found a solution.

Tim reported on three possibilities - cable, plastic, and fabricated metal going up and down the stairs eliminating the possibility of a child getting their foot caught or falling through. The Cost is \$3500. A general pot of funds in maintenance would cover it. Ed cautioned that the use of these funds may generate a need for a supplemental budget request if something comes up that is not foreseen.

Commissioner Stowe commented that he would like to see one panel in place.

Tim mentioned it would be an aluminum product just to give a visual of what it would look like. Tim will get this in place as soon as possible.

The Commissioners decided to wait to approve the expenditure until after they had a chance to review the demo panel.

EEO Plan - Equal Employment Opportunity

Human Resources Director Phyllis Lundy provided the Commissioners with the proposed EEO Plan and explained the document was written according to the guide lines she was sent from the agency. Don DeFord has looked at it; it has also been forwarded to Rick, Seaman and Lyon the counsel used for matters such as this. They made a few suggestions and the document was updated accordingly. The main comments were: the figures included in the document were from the 1990 Census. Essentially, these attorney's felt that the County doesn't have any under utilization of minority groups or women in the current make-up of the employee force. There are some objectives set in order to continue to make sure there is a diverse community of employees to pick from and also to promote from at the County. The attorney's also suggested that not only the Chairman of the Board sign, but also the Sheriff since he is a recipient of these funds. Tom Dalessandri has already signed.

A motion was made by Commissioner Stowe to approve and authorize the Chair to sign the Equal Opportunity Plan for Garfield County as prepared by Human Resources, revised January 28, 2000. Commissioner McCown seconded Motion carried.

Veterans Officer Joe Carpenter - Nomination

Commissioner McCown stated he had a letter addressed to Gary Latham that needs to be signed by all three Commissioners nominating Joe Carpenter for the Louis Gardine Award for County Services Veteran Officer of the year. The motion included having the Board authorized to sign the letter. Commissioner Stowe seconded. Motion carried.

Community Corrections Contract

Ed stated the contract amount was an increase of \$2000 raising the total value to \$5500.

A motion was made by Commissioner McCown for the Chair to be authorized to sign. Commissioner Stowe seconded; carried.

Budget Books

Ed mentioned that these have gone out to the State.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

Motorola - Agreements

Don explained the contracts saying that Tim Arnett has already presented these to the Board. One issue Don highlighted was discussed on Friday with counsel for Motorola -- normally we do not agree to any provision in the contract that limits the liability for the contracting party. This is especially seen in professional design services for limitations to the amount of the fee. This contract was originally drafted in that form. Motorola's attorney and Don agreed there would still be a limitation of liability in the Motorola Agreement. It has been raised to \$100,000 and removed any liability for any personal or property damage that would occur as a result of their deficient design. Don recommended the Board sign the Agreement.

Revisions to Subdivision Regulations - Airport: Legal Description Update

Carolyn Dalghren explained the Board directed staff to develop revisions to our Subdivision Regulations regarding the Airport. Staff did the update but can not go any further until there is a proper legal description of the Airport. Last September/October, Carolyn pulled together everything from the Assessors Office and Isbill Associates did the same. By December of 1999 Carolyn had searched the Airport files and obtained all the information she could. Sam Phelps, County Surveyor now has all of these documents. Sam is predicting that this is all office work for him and the Clerk & Recorder's Office. Sam doesn't think he will need to do any on-grounds surveying. There are a couple of spots in the outline of the Airport where there is no legal description. There is also a concern over one of Rifle's earlier conveyances to the County - there are two different legal descriptions. The cost of this from \$400 to \$2,000. February 22 is the date set to review the changes and she will report back to the Commissioners.

Discussion and Necessary Action: RFRHA Settlement

Don DeFord commented that he felt this should be handled in open session. The County has received an Agreement from RFRHA that has been executed by all parties. Also, a proposed joint stipulation and motion for dismissal with prejudice. Earlier the Commissioners directed by motion that Don sign such a motion when the settlement was completed. Don verified that he has an original signed document in terms of settlement as is prepared to go forward and sign this joint stipulation and motion today. He would proceed unless the Board has objection. By filing this motion the County is asking the Court to dismiss with prejudice the existing litigation as stated in the motion. This means it is dismissed and the claims that are set forth in this case can not be raised again by either party. This does foreclose any of the parties from raising new claims and allegations.

Chairman Martin commented that it was a split vote but Don DeFord was given direction to proceed.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go ahead and approve the authorization of the Chair to sign.

Vote: Stowe - aye; McCown - aye; Martin - nay.

EXECUTIVE SESSION - Lofton and Archuletta Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried

COMMISSIONERS REPORT

Chairman Martin took part on the United Way interviews regarding several grants with Healthy Beginnings and Garfield Literacy. He attended CCI meeting with the Senate Subcommittee - the one was the surviving Growth Bill sponsored by CCI and CNO to give options to local governments to become involved in the Statutes allowed at the present time; the I-70 scope is to determine the impacts on I-70 over the next three years in local areas; and the improvements to I-70 that include the Monorail.

The Oil and Gas Meeting on the 20 acre spacing concern held in Rifle where Commissioner McCown CO-Chaired. There needs to be some more answers from the Oil and Gas Commission as well as Barrett Oil regarding the impacts. Another meeting will be held on March 2 in Parachute.

Chairman Martin mentioned the upcoming Mayor's Meeting in Parachute March 10, 7:30 A.M.

There is a Reading Program - Sopris Elementary. It involves volunteers doing readings to the kids.

Commissioner Stowe said he has been working on the County Survey with Mildred, Margaret and Dale on Thursday.

The Community Corrections Board meeting on Thursday.

Next week is the Ruedi Power Board; and a private Pesticide Applicator Workshop on Tuesday Pesticide.

A review with the contractors next Thursday, March 17.

Commissioner McCown said the Chairman of the Committee for the Rifle Rendezvous has asked for help at the Fairground - Saturday and Sunday, May 20 and 21 to man the PA system for that activity and announce the various events.

SCHEDULED WORK SESSIONS

Jail Action Items Update

Ed said there is a weekly meeting to keep updated. The city deferred action on the cost estimate of sleeving. They are waiting until the bids come in.

Chairman Martin suggested moving ahead.

Don has the contracts for all three: Stress Con for the concrete; Permanent Builders for the Masonry; and Sierra Steel for the steel and electronic. These contracts have been constructed to give them to the General Contractor.

Don completed the contract for the General Manager and attached the contracts; the contract requires the contractor accepts these subcontractors' contracts.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign these three contracts - Stress Con, Permanent Builders, and Sierra Steel; carried.

The finalized contract format was sent to Reilly Johnson for incorporation into the request for proposal going to the finalists. There are a couple of changes that may need to be made to the addendum of the RFP.

Wye Parking Area

Ed said that he and Don are working on a final draft lease agreement that has been executed by RFRHA. Don said he was looking for an authorization from the Board to sign the document. It will result in a lease of the property that's currently occupied by RFRHA and Union Pacific Railroad immediately to the west of Pitkin Avenue.

The Agreement with the City is that the County will be obligated to provide the parking during the construction of the jail as part of the Special Use Permit Process. This only obligates the County to provide parking during the construction of the jail and that's it. There is no obligation for the City to take over that parking. There is some expectation that during the next two years, the City will construct parking on the MOC site. Additionally, the lease with RFRHA is that the County will indemnify claims resulting from the County's negligence. The Board will agree to keep the CAPP Insurance in place for protection of both the County and RFRHA. The Board will agree to keep three parking spaces on a permanent basis to RFRHA during our occupancy; and the Board will also agree to perform changes within the design and construction of the parking lot if that's required by State or Federal Regulations. The alternative to the latter, due to the issue of committing the county to unknown funding, if the Board decides they can not meet State or Federal Regulations then the County walks away from the lease. Don included that the County is also working on a lease with Union Pacific because they have a current right of occupancy on that property. Randy Withee submitted a

final design to Union Pacific in Denver - that's been forwarded to Omaha. Discussions with their attorney have indicated that we should not have difficulty getting a form of lease agreement from Union Pacific. Don said we are committed to 3 years with the City and that's the life of the project. The lease with RFRHA is renewable for another year beyond the current agreement. Once the lease expires the property reverts to the owners and they do whatever they want. There will be 90 spaces for parking less the 3 to RFRHA. Dale stated the County is working on passes for County employees and jurors selected to serve.

Dale has spoken with Road and Bridge to do the equipment for the necessary work on the parking area.

A motion was made by Commissioner Stowe to sign the lease with RFRHA for 90 total spaces.

Commissioner McCown seconded. Motion carried.

Snow Removal Plan

This has been discussed with the City of Glenwood Springs.

Pre-bid Conference for the RFP is now scheduled for February 17, 2000. There is a list of participants developed; Tim and Reilly Johnson are coordinating that event.

Video Visiting

A site tour with Tim and the Sheriff to Mesa County to look at an installed video visiting system to see if this will meet our needs.

Pitkin Avenue - Closure

City Council of Glenwood Springs agreed to the closing date of March 20, 2000.

Basement

Ed said items are being removed from the basement of the Courthouse in order to make room for the new jail operations. This should be completed by mid-February. With respect to the basement, custodians have voiced concerns about lighting. Reilly Johnson will take charge of permits and provide lighting.

Consultant Engineer

An RFP notice was sent out to Journals and Denver Post to see about a consulting engineer to oversee jail construction. Some résumés are in but none have met our needs.

Fees and Permits

Ed talked to Mr. Hougland and Reilly Johnson. Once the specs and drawings are completed today, then the fees and permits will be discussed with the City.

CQ Testing

During construction, the plans and specs will be needed before they can solicit CL Thompson

and HP Geotech for that requirement.

Parking Lot - 8th and School Street

Preparation of the small parking lot will be completed by mid-February. This includes stripping, HOV parking spots, signage along the fence, advertise the approach by March 20 and then a few small improvements that Mark and Tom Russell will work with the City on the stump removal and several pot holes.

The Board complimented Ed on getting so much accomplished.

Temporary Closure - Pitkin Avenue Closure

Don DeFord commented that there is a request to the City to block and restrict traffic coming north and south on Pitkin between 7th and 8th Street. He explained the closure necessity of closing Pitkin. There will be 40 - 50 feet available to obtain access to the Parking Lot off of 7th and Pitkin.

Fairgrounds Manager/Events Coordinator - Toni Penton

The Commissioners were formally introduced to Toni Penton the new Fairgrounds Manager.

Toni gave the Commissioners a brief synopsis of her education and experience.

Tuesday February 8, 2000 is Fairboard Meeting - Ed and Dale will attend.

The construction of the Fairground Arena is on time with the schedule.

PUBLIC COMMENTS BY CITIZENS NOT ON THE AGENDA

Millennium Tree for December 2000

Shirley Willis is the contract person for Garfield County on The Millennium Holiday Tree for the U. S. Capital - Colorado's Gift to the Nation. She added that the eyes of the Nation is to be on Colorado in the year 2000.

Selecting this tree is a huge undertaking. Gary Osier and a Ranger from the Forest Service are the ones who located the tree. It is a 65 foot, 75 year old Colorado Blue Spruce that will grace the west lawn of our nation's capitol in December of 2000 with over ten-thousand lights and four-thousand handmade ornaments - each with a focus of Colorado's special features.

The tree will come from the Pikes Peak Ranger District of the Pike National Forest. Organizers of the event want it to be a gift from every corner of the state. A special effort is being made to include each of the 63 counties contributing 110 ornaments with a special focus of rural communities. Additionally, the Santa Fe Trail and our rich cultural heritage including those of Hispanic and Native American ancestry. The history of the Blue Spruce includes Charles Christopher Perry, a British doctor who was climbing Pikes Peak and discovered the evergreen in 1862. The fascination and distinguishing were the different colors from blue-gray to dark green to silver-blue.

30 years later the State Horticulture Society asked school children to discuss the various native trees and cast their vote for a favorite tree on Arbor Day, April 15, 1892. The blue spruce won by a landslide however it was another 44 years before the blue spruce became Colorado's official state tree. In 1939 the Colorado Blue Spruce became one of Colorado's state symbols.

The Colorado Millennium tree will be cut of November 20 with a ceremony, arriving in Washington, D. C. on December 4th. The official tree lighting is tentatively scheduled for 5 PM EST on December 13,2000. Shirley commented that every County in the State is participating in this and the 63 additional trees, one from each of the 63 counties, will be going to Washington to adorn the other public buildings. A specification of 6 foot trees is the minimum but some will be up to 10 foot. They are also hoping that every county will have some activity that coincides with the lighting of the Christmas Tree - December 13 at 3:00 P.M. Colorado time.

Alpine Bank has established the account for the Millennium Tree.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Division of Wildlife

This was a presentation on the Rifle Hatchery Modernization project.

Eric Hughes, Division of Wildlife (DOW) Chief of Hatcheries explained the project, one of several the wildlife agency has underway at eight similar facilities to end the whirling disease problem amount trout species in the state. The Whirling Disease came to Colorado in the 1980's.

The \$2 million dollar project basically consists of pumping nine cubic fee of water a second from underground springs in the narrow section of the city-owed Rifle Mountain Park through two miles of 24 inch underground pipeline to the hatchery.

The groundwater would hopefully replace whirling disease - contaminated surface water now used at the hatchery. DOW would clean the hatchery of any presence of spores that cause the disease which attacks the nerves and cartilage in young trout making them swim in circles.

Eric commented that the DOW would like to begin the project around June 15.

Construction would start July 1 and end by November 30. Road closures would begin at 6:30 a.m. and crews would end work by 7:00 p.m. There will be 30 minute traffic control operations from 9:00 a.m. to 10:00 a.m. and 3L00 p.m. to 4:00 p.m. This schedule would be in place six (6) days a week if the City of Rifle and Garfield County allow. Weekly notices will be in the local papers and DOW will post signs to let people know of the closures.

Negotiations with the City of Rifle

The Commissioners indicated a desire to work with the Hatchery once they have solved the problems with Rifle.

Eric Hughes mentioned a presentation to the City of Rifle and the citizens affected would be scheduled to provide input. He added that the inconvenience is unaffordable.

TREASURER/INVESTMENTS

Ned Conley and Georgia Chamberlain were present.

Investments for the County

Georgia Chamberlain gave the Treasurer's report and provided some recommendations for Investments for the County.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Treasurer Georgia Chamberlain to sign the Resolution once the document has been reviewed by Don DeFord; carried.

Safekeeping Agreement - Norwest Bank

Georgia requested from the Board to sign the Safekeeping Agreement with Norwest Bank and any other documents in connection with this agreement; carried.

Commissioner Stowe so moved assuming that Don provide the final review as it comes in. Commissioner McCown seconded Motion to have Treasurer sign after review of the document; carried.

Update Public Depositories

Georgia provided a list of banks that are in this area including Alpine Bank, Bank of Colorado Western Slope, Norwest Bank or its successor Wells Fargo, Mesa National Bank, Pitkin County Bank, U. S. Bank, Weststar Bank and Community Banks of Colorado.

Ned Conley stated that Norwest was negotiating with Wells Fargo but the change has not taken place.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution designating public depositories; carried.

Brokers/Dealers

Another suggestion from the Investment Advisor was - in order to get adequate quick bids on the investments that the County have 6 Broker/Dealers on the list. According to the investment policy, they need to be specifically authorized by the County Commissioners. Those suggestions are: Bank of America Securities Inc., Merrill Lynch, Morgan Stanley Dean Witter, Nesbit Burns Securities, Inc., Paine Webber and Prudential Securities.

Georgia requested a Resolution designating the broker dealers for the Garfield County Investments.

Commissioner Stowe so moved. Commissioner McCown seconded; motion carried.

Heads Up - Treasurer - Budget Supplemental

Georgia stated that during the budget process an investment advisor had not been selected. The way to proceed would be through a supplemental budget. Fees are at 14 basis points of our portfolio and there are fees attached to the Safekeeping Agreement estimated to be \$150.00 per month. This way suggested by our budget officer is to have these line items in order to track them. They will be offset by the increase of our investment earnings. The Board should be aware that she will be coming in with a supplemental request.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Olson Exemption Plat
- c. Sign Resolution of Approval for a Conditional Use Permit: M. Jean Clagett
- d. Approve Animal Rescue Funding Agreement

A motion was made to pay the 3rd and final payment to the Animal Rescue

Funding by Commissioner McCown and seconded by Commissioner Stowe; carried.

- e. Sign Agreement for Recurring or As-needed Planning Services: Dennis Stranger
- f. Sign Resolution of Approval Amending the Garfield County Subdivision Regulations
Relating to Vested Property Rights

- g. Sign Agreement for Recurring or As-needed Planning Services: Victoria Giannola
- h. Sign Agreement for Recurring or As-needed Planning Services: TG Mallory Consulting, L.L.C.
- i. Sign Resolution of Approval Concerning the Wilson Exemption
This item was pulled and rescheduled for 2/22/2000.
- j. Sign the Wilson Exemption Plat
This item was pulled and rescheduled until 2/22/2000.
- k. Sign Voicestream PCS II Corp. Special Use Permit
- l. Approve Request for 120-day Time Extension to Meet Conditions of Approval Concerning Van Hoose Exemption
- m. Sign Resolution of Approval for the Voicestream PCS II Corp. Special Use Permit to Allow Placement of a Communications Facility in the A/R/RD Zone District
- n. Sign Resolution of Approval Concerning the Olson Exemption and Plat
- o. Approve Request for 30-day Time Extension to Meet Conditions of Approval Concerning the Bernklau Exemption
- p. Sign Line of Credit Release: Flight Department
This item was pulled.
- q. Sign Resolution of Approval for Special Use Permit for a Pipeline: America Soda, LLP.

The Commissioners reviewed the consent agenda.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda excluding items D and P as submitted. Commissioner McCown amended his motion to remove I and J from the consent agenda and to reschedule February 22, 1999. Commissioner Stowe seconded the amendment. Motion and amendment carried.

REGULAR AGENDA

Airport Issues

Ken Maenpa and Carolyn Dalghren were present.

- a. Adopt New Airport Minimum Standards, Rules and Regulation

Ken stated that on November 1, proposed rules and regulations were submitted to the Board. Ken said he had received some feedback. For the rules and regulations there were no recommendations or changes. The new Rules & Regulations were submitted; Carolyn Dalghren reviewed; and Ken asked approval from the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the rules and regulations for the Garfield County Regional Airport as presented today; carried.

Minimum Standards for Commercial Activity

Ken stated that these are to protect the Commissioners and the general public. Corporate Aircraft; DBS Helicopter Services; JP Avionics and Communications; and Precision Aircraft all meet the minimum standards with requirements of Commercial Aeronautical Activities at the Airport. Ken reviewed their annual dues for operations on the Airport. Ken requested the current lessors be exempt from the fees as they have been operating for several years.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Minimum Standards for Commercial Aeronautical Activities at the Garfield County Airport as presented today with the recommendation of the Airport Manager to waive application fees (not annual activity fees) for those existing businesses currently operating at the Garfield County Airport; carried.

Commissioner McCown made a motion that the Chair be authorized to sign a Resolution at the time it's developed by legal staff. Commissioner Stowe seconded; motion carried.

Jack Boyd was present and commented that he supports all the Minimum Standards and fees.

- b. Airport Status Report

Ken submitted the update that included the Airport Fuel Sales for 1999 showing an increase of 7075 gallons; and Total Operations - a decrease of 2363 due to a lack of snow and diversions attributed to a dry fall and winter, continued problems with the FAA VOR, FAA slot reservation system hearing GARCO Airport Operations during inclement weather.

c. *Update Y2K Construction Projects*

Ken Maenpa reported on the 1999 total *fuel sales*. The Jet A gas and the Avgas rose significantly from previous years, while the total fuel sales was real cost to the 1997 figures.

Partial Parallel Taxiway Extension - FAA AIP -- the scope of the work has been completed,

The *Year 2000 Improvement List* include the FAA/AIP, Fog Seal the Taxiway, Fuel Farm Improvements and Master Plan Update.

The *Partial Parallel Taxiway Extension Taxiway* report shows the scope of work, the design and site survey, and the engineering fee negotiations as completed; DBE Plan scheduled to be completed by the end of the week; construction could begin as early as June; and the FAA Grant application may be submitted in March. The runway fog seal and pavement markings taxi way slurry seal and pavement markings with bid specifications and plans are to be completed by Feb. 22, 2000 with bid opening scheduled for March 16 and the work to be completed this summer.

Fuel Farm Improvements

Ken added this may be completed by Spring. They have been coordinating with Corporate Aircraft Services and due to the Eagle County Regional Airport's main runway being closed from April 22 to June 22, 2000, Ken projected there would be additional use at the Garfield County Airport.

Airport Master Plan Update

The scope of work has been approved by the FAA; fee negotiations have been completed for \$111,020; the grant application will be submitted in March.

Corporate Air Services - Letter of Credit

Carolyn gave an update saying that CAS has asked to be on the Commissioner's Consent Agenda on February 14 in order to have the first release of their letter of credit.

Flight Department

Carolyn said the Flight Department was supposed to have their first release today, however through a communication glitch all the paper work was not completed.

Carolyn requested Chairman Martin be empowered to sign the documents once they are received and reviewed; and to have the Chair authorized to sign the release.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the aforementioned and described articles for the flight department and to sign the release; carried.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

A. REQUEST FOR APPROVAL OF THE RIFLE SPORTSMAN'S CLUB SPECIAL USE PERMIT FOR AN OUTDOOR SHOOTING RANGE Facility. LOCATED: 5 1/2, NW 1/4, SE 1/4, NN 1/2, SSW 1/4, SE 1/4 OF SS55, T6S, RRR93W, APPROXIMATELY 1 MILE NORTHWEST OF RIFLE OFF OF COUNTY ROAD 244. APPLICANT: RIFLE SPORTSMEN'S CLUB

Don DeFord, Kit Lyon, Jeff Laurien, and John Savage, Attorney were present.

Don DeFord questioned the applicant to determine adequate posting and timely notice to property owners were in order. From this testimony of the applicant, Don determined that the Board was entitled to proceed.

Chairman Martin swore in the speakers.

Jeff submitted the following Exhibits A - Certified Green & White Return Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County's 1978 Zoning Resolution as amended; Exhibit D - Application and Attachments; and Exhibit E - Staff Report and Attachments.

Jeff stated the applicants, Rifle Sportsman Club are requesting to receive a Special Use Permit for the purpose of allowing a Shooting Range Facility on the subject property. This action is to ensure compliance with existing County Regulations - 5.03.027, Special Use Permit for a Shooting Range Facility. Additionally, the applicant's are proposing an additional trap range that will be a minor addition and will not significantly change the current operation.

Jeff stated, included in the packet as attachments are: a letter from the City Rifle Planning recommending approval of this application; and a letter from the Rifle Ranger District located on the BLM property (subject property) and they have residences in close proximity to this property and are requesting hours of operation be limited to 7 a.m. to 9:00 p.m. on Monday - Fridays; and 9 a.m. to 9 p.m. on Saturday and Sunday.

Chairman Martin admitted Exhibits A - E into the record.

Attorney for the Applicant - John Savage submitted an additional exhibit - a letter of support from the Silt Police Department along with a number of law enforcement agencies in the area who use this facility extensively for their own training.

Chairman Martin entered Exhibit F into the record.

Several members were present from the Rifle Sportsmen's Club in the audience as well as members of some of the local police departments.

John stated they have accepted all of the staff's recommendation except on #5 - the hours of operation and in connection with discussions with Mr. Osier of the U. S. Forest Service to accommodate Wednesday night when an evening trap shoot is held in the lighted areas. They are requesting to extend the hours, specifically Wednesday, extended to 10:00 p.m. The U. S. Forest Service has said that this is acceptable to them. in the evening during the weekdays or night shoots and police and sheriff's training. The only other night special events are when some of the police departments do night shoots on their own. They bring in their own lights and do some training under those circumstances. These can be accommodated with the advance notice to the Forest Service.

Commissioner McCown said he had a conversation with Mr. Osier Thursday and Gary said he would be very flexible for Monday through Friday operations going to 10:00 p.m. but the weekends during the summer when they have the people back in the residences; Gary was actually the writer of the letter that Silt signed, so he would be very receptive to the time change from 7:00 a.m. to 10:00 p.m. Monday through Friday. A second trap range is being discussed and when that happens, the Rifle Sportsman Club would perhaps be more flexible to other than just Wednesday nights.

Public Input

Daryl Meisner - Chief at the Rifle Police Department spoke in support of the facility and encouraged the Board to approve as it is viable to continue training and maintenance skills for the police officers in Rifle's department and others. He had some concerns with the 10:00 p.m. time frame, as it is difficult to complete with the activity by 10:00 p.m. especially because it doesn't get dark until 9:00 p.m.; but Daryl said he could live with the condition of having prior request and approval of the Rifle Ranger District.

Jim Sears - Under-sheriff for the Garfield County Sheriff's Department spoke in favor and encouraged the support of the Commissioners in the approval of the SUP saying they also use the Rifle range and it is currently the only place they have that has the facilities needed.

Recommendation:

Staff recommends APPROVAL, with the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

Recommendations 1 - 9 of the NRA report, dated December 8, 1999, be followed.

That the Rifle Sportsman's Club Range Safety Rules as included in the Appendix of the NRA report, dated December 8, 1999, be strictly enforced.

The proposed new trap range must be constructed so that lighting does not trespass on adjoining property and in such a manner that it will be adequately safe to use for its intended purpose. The hours of operation of the Rifle Sportsmen's Club will be between 7:00 a.m. and 9:00 p.m. Monday through Friday, and between 9:00 a.m. and 9:00 p.m. on Saturday and Sunday. Further, if any special events require extended hours of operation, at least 7 days advance notice must be given to the Rifle Ranger.

A valid lease on the property must be maintained.

Any trailer brought on-site can only be used for storage and not for the purposes of residential use.

Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this special use permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all activities and forfeit any and all bond moneys as may be applicable to the County.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close public hearing. Motion carried.

Commissioner McCown moved to approve the request of a Special Use Permit to allow for a Shooting Range Facility for the Rifle Sportsman's Club with the (8) recommendations made by staff with the correction of starting time in # 5 changing the hours of operation from 7 a.m. to 10 p.m. Monday through Friday and leaving the weekend times 9:00 a.m. to 9:00 p.m. Commissioner Stowe seconded the motion. Motion carried.

PUBLIC MEETINGS:

A. REQUEST FOR APPROVAL OF THE SAINT MARY'S OF THE CROWN CONDITIONAL USE PERMIT FOR A RECTORY. LOCATED ON COUNTY ROAD 101, ADJACENT TO THE EASTERN BOUNDARY OF CARBONDALE. APPLICANT: ARCHDIOCESE OF DENVER

Don DeFord, Kit Lyon, Raul Gawrys and Attorney Bob Noone were present.

Don stated this is a Conditional Use Permit request.

Kit Lyon stated the applicant proposes to build a 4,070 square foot building and a detached two car garage. The new building will house the offices of the Carbondale and Basalt parishes. It will include a rectory for the parish priest and two one-bedroom apartments, and one two-bedroom apartment for the use of visiting clergy and part-time assistants.

Recommendation

Staff recommends APPROVAL of the application, with the following conditions of approval.

That all representations made by the applicant in the application, and at the public meeting before the Board of County Commissioners, shall be considered conditions of approval, unless specifically altered by the Board of County Commissioners;

That all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, shall be fulfilled.

That the applicant shall secure an adequate, approved BWCD contract for the proposed use prior to issuance of the conditional use permit;

That the applicant shall comply with the Colorado Department of Health regulations.

Applicant:

Raul stated that he appreciated the cooperation of the Archdiocese of Denver in handling the required notice.

Commissioner Stowe moved to approve the Conditional Use Permit for a church rectory with three (3) apartments for the Archdiocese of Denver/St. Mary's of the Crown with the 4 recommendations; carried.

New Planner - Building and Planning

Craig Butler was introduced as the new senior planner by Mark Bean.

Chairman Martin requested an update on the Transportation Committee Meeting concerned with the I-70 project. Craig stated he could provide a brief staff report in writing and added they are currently only in the study chapter. Currently, there are four or five projects and ideas that have been presented. Specifically,

they did come up with projects to start in March 2000 cleaning the vent exhaust tubes through the Eisenhower Tunnel and changing the lights at the same time.

Millennium Tree - 2000

Commissioner McCown made a motion to commit Garfield County to donate \$600 and challenge the School District and Municipalities to put up \$100.00 as a cooperative effort towards the \$1500. carried.

2000-2001 Community Service Block Grants Contracts Review and Approval Session

Lisa Pavlisick presented the CSBG Program Year 2000 Grantee Allocation that included: the 1999-2000 CSBG Application, Budget, Community Action Plan submitted the Healthy Beginnings Prenatal Program budget, community action plan, and the 2000-2001 CSBG Outcome Plan and Report, CSBG Advisory Board List and requested a motion to approve.

Commissioner Stowe moved and Commissioner McCown seconded to close the Public Hearing; carried. Commissioner Stowe moved to authorize the Chair to sign the Colorado State Block Grant for 2000-2001 for the Garfield County Healthy Beginnings Program pending review of the County Attorney. Commissioner McCown seconded. Motion carried.

Jail - Closing of Pitkin Avenue and the Utility Work

Ed Green mentioned he had received a letter from Robin Milyard from the City of Glenwood Springs regarding the discussion earlier on the jail. He read it into the record:

"At its regular meeting on February 3rd, City Council considered the request from Garfield County for additional funds for the utility work at the Detention Center. City Council elected to delay consideration of this request until bids have been received and the value for the utility work has been established as stated in the IGA.

City Council also considered the County's request to close Pitkin Avenue from 7th to 8th Street.

The City Council determined to keep Pitkin Avenue from 7th Street south to the alley, open, for public use as much as is practical. Council realizes there will be intermittent closure of this portion of Pitkin Avenue as construction of the Detention Center progresses, but they were not in support of the closure as described in your request.

Regarding the bids and establishing the value of utility work, the City requires the bid items comprising the utility work the City's financial responsibility to be broken out separately in the construction bid documents. The format used in the past by a pre-construction services to estimate value of this work would be acceptable."

Sanders Ranch - Procedures

Jim Leuthueser presented the procedures for the Public Hearing of Sanders Ranch. The Commissioners reviewed and approved the use of these in a motion made by Commissioner Stowe and seconded by Commissioner McCown. Motion carried.

Design Consideration: County Road 116/117 Intersection

Don DeFord, Attorney Lee Leavenworth, Randy Withee, High County Engineer, Mike Alsdorf, and Mayor Sam Skramstad and members from the City of Glenwood Springs were present.

Don explained the meeting where they discussed the practicalities of commencing improvements to CR 117 as it approaches CR 116. The Four Mile Ranch developer, their engineering staff, some representatives from the County were at the meeting. There were a few points that the Board of Commissioners would need to clarify. Those points included: the distance from the intersection for which the Board would require development by Four Mile Ranch; what if any the Board may have in completing the distance between CR 117 and the improvements completed by the Four Mile Ranch Developer keeping in mind the sewer line will be placed in the full course of the road. Plats of the legal description were included in the discussion.

Lee Leavenworth presented. The grade and middle section regarding re-grading on the road has been approved by the City of Glenwood Springs.

Lee explained that 100 feet before the intersection does get down through the Cator Property.

Don stated some right-of-way will be needed to purchase from the Cator's right-of-way.

Lee explained that this was a timing issue not a monetary issue.

Joe Hope from High County Engineering stated it is more like 350 feet to be away from the Cator Property and the property owned by Garfield County.

Preferred Solution will stop elevation change and will not significantly affect the shoulders. They will try to keep the major drainage patterns. The existing roadway is right on the property line currently. This new proposed will not change the horizontal lines. The major impacts are up further on Four Mile Road (CR 117).

Lee Leavenworth stated they would have new pavement all the way up from the intersection up to the Four Mile Ranch.

Joe Hope added that they were trying to avoid getting in the middle of the intersection. There are different opinions for that intersection therefore the developer is attempting to provide alternatives. The lanes will be reduced from 2 - 11 foot lanes to 2-10 foot lanes.

Cator's Property will need to be acquired. Lee stated it doesn't make sense to purchase just a portion of what is needed now and then go back and have to purchase additional property.

Sam Skramstad gave a history of negotiations between the City and County regarding the new interchange. The cost of splitting the expenses to purchase the Cator's property will be given next week. Sam mentioned the critical nature of this intersection between 116 and 117 for future considerations of the 27th street exchange.

Sam said the design was considered for all the population from Four Mile Ranch, Cardiff Glen, and all the development at that end of the County roads. If the City is not going to be able to do anything beyond this intersection then it didn't behoove the County to do anything about the 116/117 intersection. This is the overall goal. The City needs to reinforce this or drop it.

Chairman Martin stated this needs to be addressed now.

Sam said what would make the City happy is to reinforce the agreements made

Glenwood will improve the road from Hwy. 82 crossing all the way to the intersection 116 and 117. But a commitment from the County across the river at Hwy. 82

Larry Thompson, City Engineer with the City of Glenwood Springs said the design the developer of Four Mile Ranch is giving the County, the City can work with. If the City/County are going to proceed to develop this intersection, then it would be best for the developer to proceed as they are suggesting. It would be a best way to use all of the resources.

Lee said the developer will be wanting to start April 1 and get approval on March 6. Final plat approval will need to be obtained in order for them to get final plans for the Four Mile Road.

Joe Hope said their project begins with sewer with 45 - 60 days of construction. The majority of the construction begins with the cut. The concern for them is to begin construction April 1st. Joe asked if they could propose a design and an alternate design and have both sets of plans approved and then when ready to go to construction see what has happened as far as obtaining right-of-way.

Lee said, if they can do their final plat with alternative plans with a decision to be made later, that's okay. Commissioner Stowe mentioned it was the last 350' grade that he had a problem with. If the Board were to say for Lee to proceed with the plan that's in front of them now and then discussions were held with the City of Glenwood later, then what we've really lost if there is a need to change that alignment at all or increase it is the small amount of paving ground. The road can be made 2' wider at any time when the right-of-way is obtained, purchase the property from Cator's or whatever we do. It doesn't affect the intersection or anything else if we use this same angle. He does have a problem not changing the grade from the 350' point down, but resurfacing all that once you put all your lines in place and everything - just proceeding ahead. If we decide that this 20 foot of pavement is not safe, and need to expand that, then we're looking at purchasing part of the Cator or changing something. Either way should not hold you up Lee, all we're doing is talking about that 350' of pavement. It is possible it can be salvaged if we use one of these three designs. We may just need to add one 2' strip on one shoulder.

Commissioner McCown said where a lot of the confusion is developing is when we're starting to talk about an intersection -- we're not talking intersection, we're talking roadway. The definition of an intersection is when your traffic lanes allow for flows to change direction. Anything that is a straight line and movement of traffic is roadway.

Lee said his primary concern is acquiring the 15 feet of right-of-way. This could take a while.

Commissioner McCown stated, as the plan presented, they could proceed to pave down to the intersection, get your sewer lane in and go away. If at a later date this is realized and changed, this one lot - 15 - 17 foot - whatever it takes to get the intersection doesn't.

Lee said if this was okay with the Commissioners, he didn't have a problem with it.

Commissioner Stowe said he would prefer them to do that rather than giving the County \$100,000 to rebuild the whole road.

Sam Skramstad said the City needs to make sure they are on the same page as to where we are going with this. There is a meeting on the 22nd and the numbers on the Cator property should be available then. The City's biggest concern is that they can't afford to do what was originally planned. The City needs the County and the County needs the City. If this can't happen, then this will require a need to change and the City needs to go a different direction. This is the major intersection.

Commissioner McCown said that the County agreed to go ½ on the appraisal. He nor any member of the current Board were part of the walk-through where discussions were held as to the purchase of property. The question is what will the City/County do with the purchase of those lots. We only need a sliver - that intersection takes place out in an area where the County already has right-of-way.

Don remarked that the "title opinion" said that the Cators do not have a claim to that but neither does the County necessarily. There are others that might.

Sam said that's where the City is coming from - a need to codify that decision made years ago and perceived with that in mind or can the whole thing. If the latter is the case, the City is not going to be interested in Midland Avenue or anything south of there. They wouldn't be interested in the intersection because it's not the City's - it is all in the County.

Commissioner Stowe said the City's mentioning not only the intersection but this future bridge and this has him concerned if the County buys into a future bridge too cutting into Hwy. 82. He asked if this was something the City was anticipating?

Sam Skramstad said this was part of the whole picture when they charted that study that was mentioned earlier that divided out whether or not the County should put it on the existing CR 117.... Lynch was going to get all the land would have gone down Four Mile Creek if the County would just give him Four Mile Road back so he'd have a front yard. This was one of the alternatives that were discussed. And we would have tied in down at Prehm's and go across where Orrison's is right now or the City's preference would be closer to the Airport. This would make more sense for the people sitting then, but to answer the question, yes, that's an integral part of it now. If that's something that we're not willing to say as a future plan of ours jointly then we ought to save the taxpayers a lot of money and just can the idea.

Commissioner McCown asked if all this conversation was involved as part alternate route?

Sam said it never was designed to be part an alternate to Hwy. 82.

Commissioner McCown said it was part of the Midland Alternative Route tying into Hwy. 82.

Sam said it was the City's expense all the way from I-70 all the way down to this interchange and at the interchange at the bridge that crossed the river was a joint deal. Whenever the County decided to tie into that was their deal. If the County ties into at CR 117 then there wouldn't be any exposure other than the intersection. The only other exposure you'd be looking at is then whatever the City and County can work out on the bridge. But no progress has been made further than that on terms and numbers.

Chairman Martin stated there were two issues in front of the Commissioners. We've solved the one for the developer and will go ahead with that particular plan and proposal putting pavement all the way to the intersection. The County will go ahead and work out the arrangement with the City of Glenwood Springs. Sam suggested the numbers will be available from the Cators and the City Attorney and County Attorney may have had a chance to discuss with the Cators the terms that might be available and it can be discussed at the Joint City/County Meeting on February 22, 2000.

Sam said that the appraisal will include both parcels and the City/County would not necessarily need to keep the property, the Cators was not interested in dividing out parts and pieces -- it's all or nothing.

Bridge Scenario

Larry Thompson said the cost estimates that were completed as part of that project and have been submitted to C-DOT as part of the 20 year plan update and regarding the project, if the State Transportation Commission approves it in the near future, we will be eligible for \$2 million in State funding toward improving intersections and a commitment of money on someone's part to build the improvements.

Chairman Martin stated the cost estimate of \$6 million to get across the river to the highway.
Commissioner McCown stated then it would be divided between City/County - \$3 million each.

Joe Hope clarified what they were doing on CR 117 - we're going to come down between stations 4 + 00 5 + 00 and taper down to existing asphalt width and then from station 4+00 to the intersection they will overlay the road. Right?

Agreed.

Chairman Martin said the City and County will work out the other details on the intersection.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn until February 8, 2000 at 9:00 A.M.; carried.

Attest

Chairman of the Board

FEBRUARY 8, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, February 8, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M.

BUILDING & PLANNING ISSUES:

REQUEST FOR CONSIDERATION OF A ZONE DISTRICT AMENDMENT FROM A/R/RD TO PLANNED UNIT DEVELOPMENT FOR SANDERS RANCH AND SKETCH PLAN.

APPLICANT: GEORGE HANLON

Jim Leuthueser, Mark Bean, Ed Green, George Hanlon, Attorney Jim Lochhead, Stan Clauson, Planner, Mark Johnson, Urban Designer and Chris Letourner, Economist were present.

Jim Leuthueser asked questions of the applicant pertaining to Public Notice and Property Owners within 200 feet of the subject property being notified.

The applicant affirmed that these had been done timely and according to the Assessor's records.

Jim Leuthueser stated that he had the returned receipts, proof of publication and with the applicant's testimony, the Board was entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean presented the following Exhibits for the Record:

Exhibit A - Proof of Publication; Exhibit B - Mailing Return Receipts; letter Ralph Trapani, CDOT; Exhibit C - Garfield County Zoning Resolution of 1978, as amended; Exhibit D - Garfield County Comprehensive Plan of 1995 - Study Area I; Exhibit E - Garfield County Subdivision Regulations of 1984, as amended; Exhibit F (1) Sanders Ranch PUD application, as amended through 1/14/00; (2) Applicant's Brief in support of its application for PUD zoning and sketch plan approval - 12/21/99, (3) Planning team and consultant resumes, (4) Conservation easement agreement, (5) Report by Thomas Consultants Inc., (6) Report by BBC Research & Consulting, and (7) Hard copy of the Power Point presentation; Exhibit G - Project Information and Staff Comments - 2/8/00, (1) Wright Water Engineers letters dated 8/19/99, 9/7/99, 11/17/99, 12/28/99; (2) NA Consulting - 1/20/00, (3) BOCC public hearing procedural guidelines; Exhibit H - Response brief to applicant's brief in support of the Sanders Ranch PUD zoning and sketch plan approval; Exhibit I - Review Agencies/Local Government Comments (1) letter from Roaring Fork School District RE-1 - 1/24/00; (2) letter from RFRHA Memo - 11/22/99; (3) letters from Division of Wildlife - 11/22/97, 3/2/98, 11/15/99, (4) letter from Division of Water Resources - 11/12/99; (5) letter from Colorado Geologic Survey - 11/12/99, (6) letter from Carbondale & Rural Fire Protection District - 11/15/99, (7) letters from RFTA - 12/13/99, 1/7/00, (8) letter from Pitkin County - 12-15-99, (9) letter from CDOT - 12/15/99, (10) letter from Glenwood Springs - 12/29/12/15/99, (11) letter from Town of Carbondale - 12/22/99, (12) letter from Garfield County Sheriff's Department - 12/27/99, (13) letter from Carbondale Economic Development Council - 12/22-99, (14) letter from Garfield County Pest & Weed - 11/29/99, (15) letter from City of Rifle - 1/21/00, (16) letter from Town of Basalt - 12/14/99 (17) Resolution Town of Carbondale/City of Glenwood Springs with attachments; Exhibit J - Citizens Comments - (these are on file in the Building and Planning Department - 212 entries).

Chairman Martin entered the list of Exhibits A - J as presented by Mark Bean.

Mark Bean summarized the staff report. This is an application for a zone district amendment from A/R/RD to planned unit development for Sanders Ranch and sketch plan.

Staff has recommended denial due to the plan not being in the Subdivision Regulations 1700. Mark said the Planning Commission, by a vote of 4 to 3, voted for approval with the findings that they have asked to be presented to you. They also noted 2 conduits of approval. The applicant shall be considered conditions of approval. A very high standard has been set by the applicant and the new intersection should be a grade separated intersection. Discussion was held at length by the Commissioners.

Applicants Input and Summary consisted of:

Attorney Jim Lockhead summarized the request of Sander's as made to the Planning Commission and now before the Commissioners.

Stan Clauson and Mark Johnson presented slides and maps showing the direction of the proposed plan, views from different prospective such as slopes, trees and railroad trestles. They pointed out that the Barn will remain as a community facility.

Access and Traffic Issues

With respect to access and traffic, C-DOT issued a permit. RFRHA signed an agreement for five crossing points. Mention of a grade separation to be provided at Sander's cost, possibly the road up to CMC; they highlighted that other entities might be willing to enter into this agreement as well.

Recreational Amenities and Open Space

Mark Johnson continued explaining the density of housing, open space, recreation and commercial areas covered in their submittal information.

Design Control - Design Guidelines for Mixed Use - Design Guidelines for Neighborhoods

Mark Johnson continued stressing that they would continue the design guidelines committee with the County Building & Planning Department.

Retail Market Analysis

Chris Letourner, Economist from Thomas Consultants gave his findings and presented in a slide presentation.

Retail Market Share for Sanders Ranch

Sanders proposed 220,000 sq. ft. of retail space and taken out of the retail potential leaves a 6% market share.

THK Study

Separate study for Glenwood Springs used as the basis for opinions floating and in news.

Thomas Consultants Study Conclusions included Fiscal Impact Analysis and Agency Referral Comments - Impacts.

Additional Staff Submittals

Mark Bean

Exhibit J - #163 - 174 - a combination of faxes, letters and petitions received from citizens of Garfield County.

Chairman Martin these added to the Exhibits.

Public Comment was received from 163 speakers as shown on the sign up sheet contained in the Building and Planning Department file.

Mark Bean stated the Planning Commission recommendation consists of 12 areas of where this plan does not meet the PUD regulations; therefore if the Commissioners approve, it is contrary and should be denied. The Commissioners held additional discussion and a motion was made by Commissioner Stowe and seconded by Commissioner McCown to deny the request on the basis of substantial competent evidence produced at the hearing today and requested Mark Bean to draft a Resolution that included all their finding for denial of the Sanders Ranch PUD; motion carried.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest

Chairman of the Board

FEBRUARY 14, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 9:45 A.M. on Monday, February 14, 2000 with Chairman John Martin and Commissioner Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf. Commissioner Larry McCown was absent.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:45 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Y Employee of the Month

Gary Sunderland was named Employee of the Month for February 2000. He was accompanied before the Commissioners by a host of staff from the Sheriff's office and Sheriff Tom Dalessandri.

March Meetings

- Eagle County

To discuss with the new Board member and other miscellaneous items. A mid-March date has been discussed and the date of March 15th was set.

- Rifle Road and Bridge - March 17, 2000

Executive Session - Henry Building Negotiations

A motion was made by Commissioner Stowe and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner Martin to come out of Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner Martin to authorize Ed Green and Tim Arnett to proceed with the release of the contract to Chuck Brenner from Brenner Har for an analysis of the building bringing it up to current city and state code not to exceed the amount of \$1750, and to withhold all proposed contracts until the report comes back from Brenner Har; carried.

Structural Fill - Riding Arena

Randy Whitee reported on the amount of structural fill and requested the Board approve the 950 cubic yard fill for \$23,750.

Motion by Commissioner Stowe to pay for the structural fill as part of the 1999 budget for \$23,750. Chairman Martin stepped down as Chair to second the motion; carried.

Taughenbaugh Lease - Mountain Valley Development

A motion was made by Commissioner Stowe and seconded by Chairman Martin to approve the lease at the Taughenbaugh Building for Mountain Valley Development for the amount of \$300 quarterly; carried.

Communication Site Leases

KRMJ - one year annual agreement on 5 mountain tops. A motion was made by Commissioner Stowe and seconded by Chairman Martin that the chair be authorized to sign the agreement with KRMJ; carried.

Designation of County Health Pool Representative

Ed Green was designated by the Board to be the Representative at CTSI in a motion made by Commissioner Stowe and seconded by Chairman Martin; carried

Meeting with CTSI Regarding Health Benefits

Current concerns in processing claims. Phyllis, Judy and Ed met with CTSI

Phyllis Lundy reported that Alan Chapman was present as well at the meeting. The need is for better customer service from Sloans Lake. An assurance of better communication and service was the result. There will be several meetings held in Glenwood Springs and Rifle very soon to educate the staff on the changes.

No Smoking and nutritious changes for youth diabetics; the annual physical prospect of raising from \$200 to an amount not determined. Lab work being combined into another program was suggested. Canadian citizens with preexisting conditions would be under another health plan.

Ed said time was spent discussing the letter from the County.

Lease of Ball Field - Rifle High School

Chris Cline called and asked for a renewal of the lease as part of the lease. The lease expired in 1992 and there hasn't been a current lease.

The Fairboard has asked to use the ball field in connection with a dance after the Friday evening session of the Rodeo. Toni will be involved. A 6' fence has been proposed to be put up at the end of the ball field.

Chairman Martin requested more information on the type of fence before deciding.

The Stairs - Courthouse

The installation of a surrogate was in place

The Courthouse is on the list of the Colorado Historical and Chairman Martin wants to make sure that the Art Deco Style is a classic design. If Plexiglas is used, then it is not to distort the banisters.

Ed said Plexiglas is subject to vandalism.

The Plexiglas would have to be 1/4" and would run approximately \$6000. The metal would be \$3500.

The Board wanted to look at the two materials before deciding.

The decision was put off until next week when Commissioner McCown returns.

Various Boards - Appointment. The Board will consider information submitted by possible applicants, also to advertise for other applicants and the replacement will be placed on the Agenda at the next meeting on March 6, 2000. Library Board - Mr. Thomas resigned.

Eagle Scouts - Charles and David DeFord

Chairman Martin congratulated Don DeFord on his sons Charles and David who became Eagle Scouts. The award date is February 19th.

Sheriff - Two Part-time Positions

Ed stated that the Sheriff has requested a need for two part-time positions. Tom Dalessandri was present to discuss this with the Board. For the Sheriff's Department the problem persists where there is a need for a part-time position. Situations in Court Security that are high profile are needing additional court security.

Phyllis Lundy and Barbara Sunderland met and discussed the way in which the Sheriff's Department divides positions. Many of their positions are divided between the jail and patrol.

Tom said he needed the flexibility to put positions in the various jobs as he needs. He asked that the Board examine this and approve. It would be allocating part-time position and filling the full-time. The budget will not be increased.

Tom stated he would have to come back before the Board if an emergency arises where he would need to request an additional budget.

The current system is infringing upon the flexibility of the elected officials to fill positions as needed. Phyllis Lundy said adding a new position does not take a lot of time. Phyllis stated she needed the permission of the Board to add new positions. This is where the problem arises.

Mildred said that there are times when she pulls in a part-time person. Position control numbers were not having to be considered.

Phyllis stated there were some vacancies and a control number could be used.

Tom said if all the position numbers are being used, it creates a problem.

Commissioner Stowe wants to obtain some input from the Personnel Committee to allow some breathing room for this type of situation.

INS and Trident calls prompted Tom to add additional staff.

Court Security is another entity. Tom expressed the dilemma.

Commissioner Stowe made a motion to add two more part-time positions to the Sheriff's Department. Chairman Martin seconded; carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

Set hearing date for public hearing on the *Rose Ranch Metropolitan District Service Plan*

Don stated this has been discussed. The statutory language requires that there has to be 10 days after the Planning Commission before setting a public hearing. Therefore, this will be set over until the next meeting.

Resolution denying the PUD application for Sanders Ranch

Jim Leuthueser presented the Resolution and added that it was previously authorized for the Chair to sign.

Executive Session - Litigation Issues - Walker - Cerise

A motion was made by Commissioner Stowe and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner Martin to come out of Executive Session; carried.

COMMISSIONER'S REPORT

Power Board -Ruedi - Wednesday Room 301

EPA - Pesticide applicator - Rifle Fire Department - Rifle High School Wednesday

Jail Site Review -Room 301 - upcoming contractors - 2/17

Happy Valentine's Day - Valentine's Day Luncheon - Room 402

Boy Scouts Award - Middle School in Glenwood Springs - Wednesday

CCI - Taxes - Salaries - Fill out the survey and sent back.

Remediation on the uranium issue - State Capital from 3 P.M. to 5 P.M. - Tuesday

Rural Resort meets next week

County Administrator - needs new desk arrangement - - Barbara identified a work station - 50% of cost - \$1800 .

A motion was made by Commissioner Stowe to approve, with Administrator's review, and not to exceed \$2000 from capital funds to see up a new desk. Chairman Martin seconded; carried.

RSVP folks to possibly man the phones in the Administration when Barbara is away from her work area.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Jail Advisory: Discussion on Resolution

Al Maggard, Bill Evans, Tom Dalessandri, Dan Hall, Dale Hancock, Colleen Truden and Guy Meyer were present.

Al mentioned the Board has a copy of the Resolution that basically proposed to disband the Jail Advisory Board and form a Criminal Justice Board.

This will be a group of people who will work with the Commissioners and Courts to alleviate the jail population similar to a program offered Mesa County. Tom, Guy have ideas on what should be done and these are laid out in the Resolution draft.

Tom stated that Chairman Martin attended the workshop.

Chairman Martin has spoken to Judge Ossola - provided his input in a report that was sent to BOCC.

Jim Conway was also receptive in this idea.

Tom clarified - Two boards - Community Corrections Board and Criminal Justice Board

The Jail Advisory Board was formed in 1982 as the result of the consent decree imposed. Tom said the jail advisory board was focused on jail overcrowding but now assisting in other things. He was fully supportive of this new Criminal Justice Board concept. He urged the Commissioners not to do away with the Community Correction's Board. Al said it is a separate entity and he would like the two board's to be separated. Community Corrections Board will be limited to operating the Correction's facility - handling funds from the State for Community Correction beds. On funding - Al said he didn't expect much expenditures; a minimal amount of travel and they will be searching to find a small source of funding. If the Board wants to travel for training, it would be some expense.

Guy stated this board is focused on local need - work it as a support mechanism. Go for Grant Money to get some seed money.

The Draft of the Resolution was submitted and discussed.

The C J board needs more individuals. - emphasis on the community and getting them involved. and their origin not being in the C J field.

Make-up - Truden is calling some of the others to find out the make-up of their similar boards - some categories do need to be included who work in the system. An emphasis on citizen members.

Don said the Resolution does need to define the membership.

Colleen Truden stated the Committee could have this ready by February 28.

Al defined the Mesa County Board membership and indicated there would be a total of 19 members. Al would like to consider more unaffiliated members - needs courts, prosecution, defense and law enforcement.

Colleen stated they were hoping to have members from Rifle, Carbondale.

Chairman Martin said the Board needs to see a refined list by 2/28; and on the Agenda for March 6 for appointments from 11:00 A.M. until noon. The Draft should define the duties and responsibilities and look at the goals and how to get there.

Al said if Board wants a contracting authority - it should be specified as well.

The members of the former jail advisory board to work out the details.

Public Hearing: Abatement TCI Satellite Entertainment, Inc. DBA Primestar by TCI

Steve Rippy presented the Abatements

Steve explained that these abatements related to changing the tax law when statutes exempted certain property.

These have been approved by the Assessor's office.

A motion was made to close the public hearing by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the abatements as presented by the Assessor. Motion carried.

Executive Session - Personnel Issue

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to go into an Executive Session to discuss a personnel issue. Dale Hancock and Phyllis Lundy were asked to remain for the discussion. Motion carried.

CONSENT AGENDA

- A. Approve Bills and Payroll
- B. Approve Liquor License Renewals: Rifle Creek Golf Course
- C. Sign Amended Plat for Vacation of Easement, Lot 30, Block 1, Canyon View Subdivision, Phase I

Motion to authorize the Chair to sign the Amended Plat by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to second; carried.

- D. Sign Resolution of Approval for Conditional Use Permit for a Studio for Arts & Crafts: Mark White

- E. Approve Amended Plat of Ice Minor Subdivision, Lot 1

Commissioner Stowe moved to give to proceed. Chairman Martin stepped down as Chair to second the motion; carried.

- F. Sign Contracts to Secure As-needed Engineering Services: Nick Adeh Consulting
- G. Sign Contracts to Secure As-needed Engineering Services: Wright Water Engineers
- H. Award Bid: Air gas-Acquisition of Portable Welder for Road and Bridge Shop

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the Consent Agenda A -B, D, F and G and authorize the Chair to sign as needed; carried.

Y City of Glenwood Springs/Board of County Commissioners Joint meeting

The date has been set for February 22, 2000 to have the joint meeting and the items to be discussed include the Intersection 116 and 117.

REGULAR AGENDA

PUBLIC HEARING: CONSIDERATION: INCLUSION OF RUSSIAN OLIVE TO GARFIELD COUNTY NOXIOUS WEED LIST

Don DeFord reviewed the proof of publication and advised the Board it was adequate and they were entitled to proceed.

Chairman Martin swore in the speakers.

Exhibit A - Proof of Publication; Exhibit B - Steve Anthony's Weed list and Board Meeting

Chairman Martin entered Exhibits A & B into the record.

Steve Anthony, Vegetation Manager stated that on December 6, 1999, the Board of County Commissioners adopted a noxious weed list of the twenty plants in Weed and Pest.

Steve added that this public hearing was to determine if Russian Olive (*Elaeagnus angustifolia*) should be added to that list.

Staff recommendation:

Staff and the Weed Advisory Board recommends that Russian Olive be added to the county's noxious weed list. While adding another species to the County List will increase staff workload, it makes sense to add Russian olive to the list since salt cedar is already on the list. Russian olive and salt cedar to coexist in similar riparian sites. Impacts of salt cedar and Russian olive include: 1) de-watering of sites, 2) crowding out native species causing a loss of bio-diversity and 3) providing less habitat values compared to functioning riparian areas with native species.

Doug Piffer - Chairman of the Weed Board was in the audience and supports the recommendation made to the Board today.

Commissioner Stowe moved to close the Public Hearing; Chairman Martin stepped down as Chair to second the motion; carried.

Commissioner Stowe made a motion to add the Russian Olive to the Official Weed List for Garfield County. Chairman Martin stepped down as Chair to second the motion; carried

Steve added that a weed management plan is being working on by the Weed Board.

Steve said noxious weeds are really bad between Silt and Rifle.

AIRPORT ISSUES:

1) PARTIAL RELEASES: LETTERS OF CREDIT FOR:

A. FLIGHT DEPARTMENT HANGAR, LLC

This process is parallel is to the subdivision regulations for building and planning.

Certification from the general contractor, lien waivers from the Flight Department, lien waiver from one of the subs - TPI and HP Geotechnical. One sub - Benton Construction is not completed but when they are complete a lien waiver will be submitted.

On the basis of the letter and a guarantee from the Flight Department -12-1419 - advised the Board to sign the partial release. The project is approximately 56%.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to second the motion to authorize the Chair to sign the Flight Department Hangar, LLC.

B. COOPERATE AIR SERVICES, INC.

This was postponed until 3/27/2000.

2) EXECUTION OF DISADVANTAGED BUSINESS ENTERPRISES POLICY STATEMENT, UNITED STATES DEPARTMENT OF TRANSPORTATION FUNDING

A disadvantaged business enterprise/policy statement was put together by the Isbill Corporation. This encompasses the counties in Garfield, Mesa, Pitkin, Rio Blanco and Eagle Counties.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the necessary paperwork to proceed with his grant on the Disadvantaged Business Enterprise Goals and Methodology for the Garfield County Regional Airport; carried.

CONSIDERATION AND DECISION:

A. PIGGYBACK COOPERATIVE BID FROM MESA COUNTY: PURCHASE OF
SELF-PROPELLED SWEEPERS

Tim Arnett and Marvin Stephens were present.

Mesa County bid it out about 2 months ago. Road and Bridge tried them out and this is doable one. It is used for dust suppression.

B. AWARDING SOLE SOURCE BID: MAXEY TRUCKS - ACQUISITION OF 2 TOW-
TYPE ROCK RAKES

Marvin said they use this equipment when they are cleaning bar ditches. This is pulled behind a pickup.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down to second the motion to approve the sweeper for 62,500. and the truck rack 10,468 total.

Stowe and Martin carried.

Executive Session - Personnel Issue

Commissioner Stowe made a motion to go into an Executive Session to discuss a Personnel Issue.

Chairman Martin seconded the motion; carried.

Adjourn

A motion was made by Commissioner Stowe and seconded by Chairman Martin to adjourn; carried.

FEBRUARY 17, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. on Thursday, February 17, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were: County Attorney Don DeFord, County Administrator Ed Green, Purchasing Tim Arnett, Sheriff Tom Dalessandri, Operations Dale Hancock, Reilly Johnson Harvey Whitcomb and Bob Johnson and Mildred Alsdorf Clerk & Recorder.

The item discussed was the Basement of the Courthouse which would be used as a connecting point of the Sally Port to transport prisoners to and from court appearances.

This included a tour of the basement and discussion as to what would be needed, the bid process and selection panel that consisted of Ed Green, Tim Arnett, Bob Johnson, Randy Withee and the Commissioners.

A date was set to have the information before the Board of County Commissioner on March 6, 2000.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried

Attest

Chairman of the Board

FEBRUARY 22, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, February 22, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M.

Chairman Martin thanked everyone for attending the Joint City County Meeting held earlier.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Commissioner McCown made a motion to authorize Ed Green as the designated person to sign the contracts for the Detention Center; carried.

Site Utility Lease for TV and Radio

Dale presented MBC Grant Broadcasting from Anvil Points; Weather Broadcasting, and KTBD United for \$409 per month. There is only one lease still in negotiations.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Site Utility Leases as presented by Dale and authorized the Chair to sign; carried.

BLM on Roan Creek Area and Shale Bluffs

Chairman Martin inquired about the BLM contract for right-of-way with users cooperation.

Dale stated that was a possibility.

The Board suggested that Dale pursue this area with BLM and come back with a progress report.

Battlement Mesa Assisted Living

Dale submitted a letter of transmittal regarding the Senior Housing Options.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair's signature on the contract; carried.

Negotiations with Rifle High School

Ed met with Chris Cline at the Rifle High School for negotiations. The following depicts the conversation and points where they agreed

The last lease expired in 1992.

The High School Issues

5 Plus 5 Year Term Arrangement

18 Month Prior Notice Before Termination

Ability to Sublease and Control Use

Ability to Make Improvements

6' Fence

Lighting for Night Games

County Issues

Occasional Use

Dinner Dance Associated with Fair

Weddings, Volleyball Tournaments, Etc.

Continued Payment of Utilities/Water

Final Lease Terms

1 Year Lease with 9 One Year Options - This was necessary in order not to commit future Board's.

30 Day Notice by Rifle High School to Renew
6 Month Notice by County to Terminate
Rifle High School Ability to Sublease - Chris will present this to the
Rifle High School Ability to Make Improvements as Stated
Occasional Use by County Permitted
Rifle High School Pays the Utilities

Don mentioned he had reviewed this.

Commissioner McCown stated some conversations had been held with Rifle on having their own baseball field close to the softball field east of Rifle. Cooper Field is a less desirable location.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve, the Chairman to execute this agreement after it is approved by the School Board; carried.

Bond Reduction for CR 204

Tom Russell stated he received a letter from Bob Davis from Ginkco Oil. CR 204 - unimproved section is a two-lane road that is graveled. At the time they put the 11" pipeline on this road some negotiation were done and it included a proposal that was submitted to lower this to a \$100,000 bond for the remaining year.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to reduce the bond to \$100,000 for the remaining year and end of the contract.

Joint Funding of Sanitarian/Home economics position

Ed held some discussions with Pat McCarty. He has potential of funds from State and Federal funds too support this. Ed suggested blending the two positions into one making this position available for meeting the State Requirement for Sanitarian and CSU Extension Requirement for Home Economist, Home Nutritionist and a Food Service Nutritionist. Ed stated that he would give an update on this issue on March 10 to see if the approach is feasible.

Airport Land Site Plan Discussions

Ed met with Bob Johnson of Reilly Johnson on February 17 to discuss planning requirements that included planning for all prospective site uses including utilities, siting of proposed road and bridge facilities and a cost estimate for road and bridge facilities.

Ed and Ken reported they were able to get the airport removed from the Mountain Reservation System. This restricts the number of operations to 4 per hour. Ken said they can handle one plane every three minutes by lifting the restrictions.

Confirmation of Meeting with Eagle County

Ed mentioned this was scheduled for noon on March 15.

Henry Building - will be presented March 6, 2000.

Airport: Legal Description Update

Carolyn Dalghren presented the legal description for the Airport.

Mark Bean said that the proposed rezoning will need to be referred to Planning and Zoning Commission.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to refer this to the Planning and Zoning for review.

The next meeting is March 8, 2000 for the Planning and Zoning Board. He suggested sometime in April to schedule the Public Hearing before the Board.

Resolution Designating New County Representative for Jail Finance Agreement

Jail Status

Dale stated they are still receiving bid until February 25. He would be bringing this to the Board on March 6.

Personnel Openings

Ed stated he would like to fill the vacancies within the next few weeks.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

Transportation Authority - draft was submitted to the Commissioners for review.

Chairman Martin said he did review it and it identifies and covers everything.

Don stated he does leave open the option of fees versus taxes - requires election to adopt a fee so the County doesn't run into any Tabor issues.

Legislature is reviewing legislation that includes the possibility of including all municipalities and all entities would be covered.

Chairman Martin stated he brought up the Constitutional Requirements. The bill has not been introduced and given a number. A draft of the bill was tendered. Chairman Martin stated it was beneficial to proceed with negotiations with the municipalities to form that district - a very powerful tool - like to see it sent down to Carbondale and Glenwood in draft form. The funds are included in the broadest sense. John stated that the municipalities are looking at providing RTA now. This is why he felt it was urgent to proceed in order to be included in the RTA meetings. The County has not taken a position on the RTA and mentioned having a couple of citizens appointed to attend these meeting and keep the Commissioners informed.

Don agreed and suggested to change this to Two Rivers joining the Valley and the Colorado River. Commissioner Stowe recommended putting this before the Towns and Cities and obtain feedback. Commissioner McCown seconded the recommendation with one change - send this to the municipalities as a draft only.

Draft - IGA - Land Use - Don presented for discussion. To highlight it, Don said he reviewed the resolution by the cities. Preliminary Plan review - conflicting statutory review - a 14 day period - if they do not respond they have waived any comment, and a 21 day as with other review agencies and otherwise they are not protesting. Don included the literal statutory requirements letting it be known that this is the reason the County is proceeding on this time frame. The Commissioners have deadlines to review a PUD application. With that in mind - Don included a 30 day period --- this will hopeful get it. 3-Mile provision - in terms of county statutes - 2 mile area not the 3 mile under the county planning statutes. This is included in a draft. Don and Mark discussed this IGA and as long as the county continues the time period for Mark; Don added that they are requesting the developers meet with them to review.

Consideration and to Sign Resolution of Approval and Exemption Plat for Robert and Ruth Freeark

A consent agenda item - delete from Don's time.

Set Hearing Date for Public Hearing on the Rose Ranch Metropolitan District Service Plan

Mark stated the P & Z did review and it requires 20 days notice. March 20 was set.

Building & Planning will get the notices out.

A motion was made by Commissioner McCown and seconded to set this for a Public Hearing on March 20. Commission Stowe seconded; motion carried.

COMMISSIONER REPORT

Commissioner Stowe - Ruedi Water and Power purchasing water shares in the Ruedi Water; Rural Resort - Dillion; Personnel - Room 301 - Wednesday.

Commissioner McCown - Communications - IGA - all user entities one vote and two at large.

Chairman Martin - Wed - 6 P.M. RTA meeting in Carbondale; 1:30 P.M. on Thursday - McGinnis; 1:00 P.M.- Thursday - Library - Wilderness Room 301 - Courthouse; Eagle - draft of how they felt about Forest Service; Spellabration on 2/29 in the evening. Volunteered to participate - Hotel Colorado; and February 25 changed to March 17 - Road and Bridge Department.

Ed - City/County - joint meeting on Thursday - Hotel Colorado

EXECUTIVE SESSION - Litigation - Lofton and Archuletta

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Contracts and Jail with Reilly Johnson - possibly extending deadlines - extend one week.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Kenny Maenpa and Carolyn Dalghren were present.

Airport Issues

- Partial Releases: Letter of Credit for Corporate Air Services, Inc.
Carolyn Dalghren presented the Partial Release request.

Commissioner Stowe made a motion to approve the partial release request in the amount of \$1,018,470.44. Commissioner McCown seconded; motion carried.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR APPROVAL: HATCH CONDITIONAL USE PERMIT FOR A HOME OCCUPATION BUSINESS. LOCATED: 6607 COUNTY ROAD 214, WEST OF NEW CASTLE, CO. APPLICANT: DAVID W. HATCH

Don DeFord, Kit Lyon, and David Hatch were present.

Don reviewed the Public Notification and Notices to Adjacent Property Owners within 200 feet of the property. Don determined that the notification and notices were adequate and advised the Board they could proceed.

Chairman Martin swore in the speakers.

Kit Lyon presented the following Exhibits: Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution, Exhibit D - Garfield County Comp Plan; Exhibit E - Application and attachments; and Exhibit F - staff report and attachments.

Chairman Martin entered Exhibits A - F into the Record.

Kit stated that this was a Conditional Use Permit for a home occupation for David W. Hatch. The applicant proposes to offer basic firearm instruction inside his existing home. He is certified by the NRA to instruct and his license approval from the Bureau of Alcohol, Tobacco, and Firearms is pending on the outcome of this permit. The proposed hours of operation are 1:00 P.M. to 4:00 P.M. Mondays and 6:00 P.M. till 9:00 P.M. Tuesday through Friday.

Recommendation:

Staff recommends APPROVAL of the application, with the following conditions of approval:

That all representations made by the applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specially altered by the Board of County Commissioners.

Those representations include (but not limited to:)

- The purpose of the permit is to offer basic firearm instruction as a home occupation.

All business will occur indoors.

- Hours will be restricted to 1 PM to 4 PM on Mondays and 6 PM to 9 PM Tuesday through Friday.

- No business signs will be posted.

- The number of vehicles accessing the site per week, in relation to the home occupation, will not exceed six (6) vehicle trips per week.

That all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, shall be fulfilled.

That the applicant shall comply with the Colorado Department of Health regulations;

A copy of the instructor's current and approved federal firearms license and NRA certification will be kept on file with the County Planning Department. If, at any time, this information is not kept current and on file, the conditional use permit will be invalid;

The home occupation shall maintain a residential character and shall not become a retail establishment or cause a commercial impact.

The home occupation will be limited to classroom type instruction and no actual firing of firearms will occur. No commercial buying, selling, trading, or exchange of firearms will occur on the premises.

Commissioner McCown addressed the current house on the lot noting that it does show a driveway.

David Hatch explained saying that his driveway comes from the southwest to his garage and graveled and access all the way around his house.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and Commissioner McCown to approve the HATCH CONDITIONAL USE PERMIT FOR A HOME OCCUPATION BUSINESS with the 6 recommendations of staff; carried.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS

REQUEST FOR EXTENSION: PRELIMINARY PLAN APPROVAL AND FINAL PLAT RECORDING FOR ROSE RANCH PLANNED UNIT DEVELOPMENT. LOCATED: PORTIONS OF SECTIONS 1 & 12, T7S, R89W, AND PORTIONS OF SECTIONS 2 & 35, T6S, R89W, APPROXIMATELY 3.5 MILES SOUTH OF GLENWOOD SPRINGS, CO ALONG HIGHWAY 82. APPLICANT: ROARING FORK INVESTMENTS.

Tim Thulson representing Roaring Fork Investments and Ron Heggemeier of Rose Ranch presented. Tim explained that the PUD expires on May 4 and they would need until July 10.

Discussion and Motion

Commissioner McCown made a motion to grant the extension for Preliminary Plan and Final Plat recordings for Rose Ranch PUD until July 10, 2000 and that the Chair to be authorized to sign the Resolution submitted by the applicant. Commissioner Stowe seconded the motion; carried.

Tim Arnett - Brick samples were presented for the jail.

Discussion was held. The Board commented that the city has the final say and then directed staff to proceed.

Courthouse Stairs

The use of Plexiglass was discussed. Tim said he would continue negotiations for the Plexiglass and return to the Board after he obtained additional information.

The Board recognized that this is safety issue and they do need to address it.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to proceed with Plexiglas and move ahead with staff working on prices; carried.

Building Issues - Revising the Comp Plan and PUD Process - Discussion

Commissioner Stowe stated in the PUD and review process, some citizens expressed frustration. It comes from dealing with the building department. If it's rejected the applicant needs guidance and he suggested to give the applicant a list of 10 - 20 objectives - can these be given prior to coming before the Board?

Don stated historically it's been a difficult line to draw - it comes to not having Mark designing their project. Whenever his staff reviews - the developer gets disappointed - it is difficult to explain that staff's position is not the position of the P & Z and/or the Board of Commissioners.

In the past - Don received a letter regarding the staff's comments.

Mark Bean explained that once an application is submitted they try to make the applicant aware of the staff comments. Example: Sanders - comments to them in December and these were presented to the Board and P & Z. The Process: - if the Building & Planning Department tries to deliver comments then he doesn't have any problems. Mark stated they attempt to get staff comments to the applicant, especially if it is not good, 2 -3 weeks before the hearing.

Commissioner inquired if a disclaimer could be added saying staff's comments are just that - to protect the staff and the applicant.

Mark said they do this currently - they present the applicant a letter that they will try and be helpful but also advise them they can't rely on the staff's position.

Commissioner Stowe's concern was the applicant felt the door was shut.

Mark stated that when the supplemental information is being submitted, it becomes a timing issue. To do an adequate review of those submittals before the Board receives them, puts the Building and Planning staff in a time crunch.

Chairman Martin mentioned that it creates a burden for the developer and staff to live within those statutory time frames.

The Solution was determined to be that if the developer wants to submit supplemental they can request an extension.

Comp Plan

Mark stated that this a planning tool; is developed as a guide based upon the principles by the County. We went through amending the PUD process and a Resolution was passed 2 years ago stating that the Comp Plan was more than Advisory.

Commissioner Stowe mentioned that if the Commissioners were reviewing the comp plan every three years -- ours has become stagnated. Amendments need to be created

Chairman Martin said the Comp Plan is the Commissioner's vision and this is what you are charged with.

Commissioner McCown mentioned that the Planning & Zoning Commission was given direction that included: 1) review of Study Area 1 and get something in place with Area 2 and Area 3. The Board issued an assignment to get these study areas done before they proceed with redoing the Plan. Commissioner McCown added that it should be a well organized plan when it comes to the Commissioners.

Don DeFord emphasized that if P & Z takes this and alters the land use before it comes to the Board, it only affect a PUD. Don's view is, if these land use and amendments will have to be brought to the Board - when they adopted the code for land uses - if significant amendments are made - it will have to come before the Board.

Commissioner McCown mentioned the draft of the joint input of the municipalities back to the county - the area of influence - where growth should grow - if towns and cities opposed - there will need to be a leap frog. The BOCC is accused of sprawl - if water/sewer is available, is this a bad place for development? The cities are opposed to any density of that occurring in the county - they are not willing to provide them services. What option does that leave a developer?

Mark - the IGA - this is the type of discussion that needs to occur with the development. This is part of the overall growth package - county and towns and cities - to make it work.

Chairman Martin mentioned that a growth initiative is being pushed and it will be done by a local vote of the people. This would eliminate the need for government in land use decisions.

Don said the zoning does not agree with the Comp Plan.

Mark said they could request the underlying zoning requiring public process. Once you change the underlying zoning then it doesn't have to comply without he comp plan.

The Board mentioned discussing this with the Planning Commissioner on February 23 and give the P & Z a clear cut understanding of what the Board agrees on.

February 28 - Commissioners to meet regarding the survey - all the questions and how to structure - lunch will be served.

CONSENT AGENDA

- A. Approve Bills
- B. Liquor License Renewal: Trapper's Lake Lodge
- C. Liquor License Renewal: Trapper's Lake Resort
- D. Sign Resolution of Conditional Approval: Amendment of the Zone Text & Boundaries of Preshanna Farms Planned Unit Development
- E. Sign Resolution of Conditional Approval: Preliminary Plan of Aspen Equestrian Estates Subdivision of the Preshanna Farms Planned Unit Development
- F. Sign Contract: Hepworth-Pawlak Geotechnical, Inc. to Secure As-Needed Engineering Services
- G. Sign Release #1 to the Original Hepworth-Pawlak Contract for Review of the Chenoa Pre-Application and Application Materials
- H. Refer Request to Amend the Text of the Preshanna Farms Planned Unit Development Amendment to the Planning Commission for Comment
- I. Sign Contract: High Country Engineer, to Secure As-Needed Engineering Services
- J. Sign Resolution of Approval: St. Mary of the Crown Conditional Use Permit
- K. Sign St. Mary of the Crown Conditional Use Permit
- L. Sign Resolution and Special Use Permit for Rifle Sportsman's Club

M. Sign Resolution and Exemption Plat for Freeark

Mildred reported there was no problems on the liquor licenses renewals. She had checked with the Sheriff's department and no inquiries or reports have been filed.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve Agenda Items No. B - M; carried

The Commissioners reviewed the bills.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Bills as presented - Item A; carried.

Commissioner Stowe mentioned at on July 3 he will not be here. Kiwanis Conference in Florida. The Commissioner Meetings were changed to July 10, 17 and 24.

CCI - Summer Conference Steamboat - June 13 - 16.

REGULAR AGENDA

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Board of Health; carried.

BOARD OF HEALTH

Mary Meisner presented a schematic based on discussions from the January 21,2000 meeting; and a folder of information she planned to discuss that included.

(1) Contract Renewal Letters

(a) CMC Letter of Agreement between GCPNS

(b) CMC (R.N.) Nursing Students

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to sign the above Agreements as Mary mentioned; motion carried.

Public Health alert network system process - Carbondale School for Immunizations. Mary said these services will be located in a modular unit.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to sign the space agreement at Carbondale School for Immunizations; carried.

(2) Health Alert Communication Alert - Incident Command

Mary said the want Public Health involved since we need the knowledge of outbreaks.

They are attempting to have a quick response by working with the Center for Disease Control (CDC). The schematic shows the lines of communications and methods of obtaining the communication. It will all be done by Computers. Mary said that the State Health Department is in charge of training for the Health Alert Communication and a Notification Procedure.

(3) Community Task Force Updates Dates

(a) Miles for Smiles Dental Program dates were given.

(b) Community Health Center - Mary gets very positive feedback. Dr. Tonozzi is in charge and all the staff is bilingual; social services are doing intake.

(4) Immunization 2000 Action Plan

March 2000

Kate Lujan stated that over the last 50 years - Public Health has been in the forefront taking care of communicable series, TB screenings included. Immunizations - cost for vaccines have increased tremendously. Insurance companies pay for vaccines; Act of Congress and Act of Legislature. Immunization for Children are running at a steady level. Private providers are doing the same that have insurance. An increase in the Western End. Grand River has done the immunization. Public Health does outreach and direct services - flu vaccines 2300 last year; this year 3000 and may be ordering over 4000. Seeing this in a lot of different areas such as in grocery stores, the Mall, and they are receiving calls to come back.

Direct Services - Foreign Travel vaccine - Networking over the Internet -- the fees are bringing in profits. They charge around \$5 to \$10 over the price of the vaccine.

Public Health is one of the few providers of the vaccine against yellow fever. They have given out information on the overseas travel vaccine program to travel agencies. Rabies vaccine is considered a foreign vaccine. CMC charges - \$120 a dose for Rabies prevention.

Hepatitis B - 50 shots in January. There is no immunization for Hepatitis C.

(5) Public Health Program Updates

Public Health - all programs are running well, very busy and she is real pleased. One position to fill - bilingual WIC intake person.

Well-Child Clinic Program

Case load 100 unduplicated to provide medical services for kids without medical coverage - no Medicaid and undocumented. Not a substitute for the personal medical provider. Mountain Valley Clinic is working closely with Public Health.

Conference Call - Wednesday - February 16. Communication is working better.

Public Health - more into core functions 1) individual 2) family and 3) community use data in doing needs assessments - policy development by sitting on all the committees - direct services are for those who fall through the cracks. Paradigm has shifted from direct services - Public Health is to serve the aggregate and keeping the model serviced. Public Health is in indirect services, particular in the west end of the County.

(6) CDPHE Organization and Four Year Strategic Plan

Mary showed the Commissioners an Organization Chart from the State Department of Health - statutes and telephone numbers. Jane Norton is the new Director. 4 year strategies and 20 year perspectives. She added that Garfield County is in sync with their strategies and perspectives.

HUMAN SERVICES COMMISSION

Lisa Pavlisick Healthy Beginnings - presented a review of the Program including:

Statistics

Enrollees since 01-01-00 - 44 patients

Of those 44, 9 enrolled in the first trimester and 7 remain unknown until diagnostic testing is complete. The 37 patients that are known represent a 24% first trimester enrollment rate. (Car Seat Incentives program)

2 of these patients were inmates at the Garfield County Jail

Deliveries since 01-01-00 27 patients

To date there hasn't been an incidence of low birth weight or pre term delivery

Current Active Patients

113 prenatal patients and 28 postpartum patients

Program Options

Substance Abusing Women

Tobacco Issues

Staff updates

Have a bilingual receptionist and Secretary with medical background.

Relevant Medical Issues

Grand River Hospital District - Clagett Memorial Hospital in Rifle will no longer deliver babies as of July 31, 2000.

Battlement Mesa's St. Mary's Clinic Update

CSBG - Finding Formula - Revised Contract Signature

Philanthropy Days Movement

Lisa stated this is expanding all around the state. There is a value in visiting the communities. They regionalized into 7 areas and will rotate every 7 years. The interim period of 3 years they will be doing education.

Dinner Dance and Auction Preparations

Mention was made of the beautiful statute of Mother & Child in bronze valued at \$39,000 that will be on display in Healthy Beginnings - it will be auctioned off at the Dinner Dance forthcoming.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.

SOCIAL SERVICES

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; carried.

At the end a motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

TREASURER AND PUBLIC TRUSTEE SEMIANNUAL REPORTS

Georgia Chamberlain presented the Semiannual Reports for the Treasurer and Public Trustee for the Board's review, approval, and directions.

Georgia stated that the Semiannual report needs to be published in the newspapers.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Reports as presented and authorize the Treasurer to Publish; carried.

Georgia submitted a report showing the fees collected within the towns and cities. Also, the list of Investments - Portfolio as of December 31, 1999 and interest earned for the year.

Commissioner McCown suggested to see these two separated would help know how much they earned on the investments.

Ed stated he had just received the semiannual report and they could provide School Acquisition Fees - Chart 1999 - collected, paid out and the balance. In order to pay, the request needs to come from the school board. There is \$267,000 with no request.

Chairman Martin agreed the school board needs to request.

The Commissioners stated they were real pleased with the work on the Investment Policy and were happy to see the results.

GRAND VALLEY CITIZENS ALLIANCE: APPEAL FOR COMMISSIONER SUPPORT OPPOSING BARRETT RESOURCES 20 ACRE SPACING REQUEST

Present were Shirley Willis, Carol Fredrick Vice President, Gloria Martin and Matt Zurah.

The main discussion point is opposing the 20 acre spacing and urging the BOCC to oppose. One well on every 20 acres between Rifle and Parachute.

Carol Frederick - 3 basic things they are asking the Board for help: 1) testify on opposition; 2) if granted the 20 acre spacing then they want the Board to formally intervene - to conduct a public issues hearing in Denver; 3) COG provide the BOCC with new and future developments in the future - such as in LaPlata County.

Gloria Martin - clarified that the well was not on her property it was adjacent - the GVCA agrees that the 20 acre spacing will adversely affect the safety and welfare and devastate the area - it takes up to 4 acres - if approved it will be the closest spacing allowed for oil and gas drilling.

Matt Zurah - addressed the wildlife stating it cannot survive when there is 20 acre density - DOW exceed \$28,000,000 in Garfield County and is important to the economy. One year ago - an air quality monitoring set up by the Air Quality - this has not been done - the effect on the community - the county is on a waiting list. Colored application and the map where they are planning to drill was submitted. The oil and gas commission say that the effects will be minimal. Private properties - public land is not included - if so, more environmental studies would need to be done. Citizens would be able to read and response to these EPA standards. A local Public Hearing will be held on March 2nd with the issues addressed on environmental impacts and water mitigation. Citizens should be able to respond.

Carol Frederick - substantial development - haven't drilled all the wells at 40 acre spacing density. If approved the wildlife will leave - devastate agricultural. Planning gives residents the knowledge of what they can expect. Should follow up on their request from the Colorado Gas - clean air, wildlife, and beauty.

Colorado Supreme court case approved that mineral rights are not any more important than surface rights.

Contracts and Jail - Reilly Johnson - possibly extending deadlines - requested to extend one week.

Stress Con - move to March 7 during a special meeting - at 2:00 P.M.

Action to notify - Don will contact.

Commissioner McCown made a motion to change the bid openings on the Detention Center to March 7 at 2:00 P.M. Commissioner Stowe seconded.

Commissioner Walt Stowe removed himself from being the designate Commissioner. He stated that since he owns his own business, he would remove himself from any future hearings.

Don DeFord will prepare the papers for Commissioner McCown to step in for the contract negotiator and designate him for the Board of County Commissioners.

Executive Session - Personnel and Litigation Issues

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest

Chairman of the Board

FEBRUARY 28, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Meeting of the Board of County Commissioners began at 8:45 A.M. on Monday, February 28, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:45 A.M.

DESIGNATE SPECIAL COUNTY ATTORNEY FOR THE SUNLIGHT VIEW SUBDIVISION

Don DeFord explained a potential conflict of interest since he resides in the Sunlight View Subdivision.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint Josh Marks as special counsel for the Sunlight View Subdivision; carried.

APPOINTMENT OF ED GREEN - FINANCIAL ADVISOR FOR THE NEW JAIL

Don stated the Board has already signed a Resolution designating Ed Green as County Representative on financing issues of the jail. The Board also needs to sign a transmittal letter as well, but no additional authorization is needed.

CORRESPONDENCE - AGREEMENTS WITH TOWN MAYORS ON JOINT LAND USE; AND AGREEMENTS WITH TOWNS ON FORMING A TWO RIVERS TRANSPORTATION AUTHORITY

Mary Lynn Stevens drafted letters and agreements to the Town Mayors regarding joint land use and to form the Two Rivers Transportation Authority.

NOTIFICATION

Chairman Martin requesting having a checklist on Special Meetings in order to make sure all Commissioners were notified on these meetings so no one is left out.

RTA DISCUSSION

Commissioner Stowe mentioned that he went to the RTA meeting last Thursday, and they are still wanting Garfield County Commissioners to sit down and be players at the table at least in listening to what they are trying to draft. Commissioner Stowe stated he will be meeting today with Dan Blankenship at 4:00 p.m. where they will try to draft some sort of Resolution that will be presented to the Board on Monday, March 6, 2000.

Commissioner McCown mentioned he would like to participate in the development of the formation of the RTA but would not want to commit to financial participation at this time. Commissioner Stowe explained, at this point it would merely be an agreement to investigate the possibility.

Chairman Martin wanted to verify that a commitment of Garfield County to put this issue to the vote of the people, also, if there is funding for the train it needs to stand on its own. These are two separate issues and he wouldn't have any objection to sitting at the table.

Commissioner Stowe mentioned the participants - all the cities and towns - Glenwood, Carbondale, Aspen, Snowmass, Basalt, Pitkin and Eagle Counties are sitting at the table at the present time. The other municipalities in the county have elected not to participate at this point.

Additional discussion was held.

The Board determined approval for Commissioner Stowe to participate at the table as long as there was a clear understanding that no financial commitment was being made.

RTA will present to the Board on Monday, March 6, 2000 at 3:15 p.m.

Adjourn

A motion was made by Commissioner and seconded by Commissioner to adjourn; carried.

Attest

Chairman of the Board

FEBRUARY 29, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

OIL AND GAS WORKSHOP

The Oil and Gas Workshop included the Board of County Commissioners and began at 9:00 A.M. on February 29, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

Others present included: Assistant Administrator Allen Sartin, Kay Wendell of Barrett Oil and Mike Brugi, Attorney.

Copies of photos taken of the site and a letter from George Pearson were submitted for the workshop. The anticipated results of today's workshop was an intervention to avoid mitigation.

George Pearson's letter outlined the history of the industry. The proposal before the Board is to develop gas drillings based on the population growing due to migration to the Western Slope from other states and from the larger cities, including Denver.

The proposal included the potential of drilling the 40 acre sites then developing new pods. These 40 acre site were approved in February of 1995 and the drilling began in 1997.

Concerns among local residents were defined as: air quality, noise, landowners have no mineral rights, noxious weed control, reclamation never heals the injury to the land totally - ugly cuts forever visible, and traffic on CR 320 also the spread of mud left on CR 329.

A public forum is scheduled for Thursday in the Battlement Mesa High School Gymnasium. Commissioners McCown and Martin agreed to attend.

MARCH 6, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 7, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Employee of the Month

Joanne Nelson from Accounting was presented the award for March 2000.

A. Award of Contract for Airport Land Site Planning

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the contract for the Airport Land Site Planning - this will be a release to contract; carried.

B. Henry Building Remodel and SR Report

Chuck Brenner and Randy Withee were present.

Basement - Randy explained the written report commenting that the cost to have the basement up to Code will cost \$27,000.

Main Floor - Randy stated the Proposal: To perform the work necessary to complete the office facility the fees are as follows:

Architectural, estimate maximum fee to be	\$6,250.00
Mechanical and electrical engineering - fixed fee	\$7,535.00

Chuck Brenner said he is ready to begin work at the Board's convenience.

Commissioner McCown suggested that the County move into negotiations before they spend a \$100,000. He said given the option of the necessary work required to bring the building up to Code in the basement and ventilation system on the back part of the first floor; requested the construction documents before making a motion to proceed.

A motion was made by Commissioner McCown and seconded by Commissioner McCown to proceed with the remodel of the Henry Building for a dollar amount not to exceed \$13,785; carried.

C. Materials Testing Award - Jail Project

Randy Withee reported on the Jail Project. He proposed to enter into a contract with HP Geotech not to exceed \$50,000 and to extend it to another \$10,000 next year if needed.

The variables include the concrete testing, soils testing and other miscellaneous testing.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to enter into a contract with HP Geotech not to exceed \$50,000; carried.

D. Award of Proposed 1 Ton Truck Purchases

Tom Russell and Tim Arnett reported.

Tom said they have the money in their budget. One of the Ford dealers came in with the low bid. They submitted the bids for the Commissioner's review. Bid - \$69,375 verify for two trucks including the beds. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to proceed on the award of the proposed 1 ton truck purchases for \$69,375 at Columbine Ford; carried.

E. Award of White Goods Contract at Landfill

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award to Shepherd's Trucking the White Goods Contract at the Landfill after the County Attorney has reviewed and made the necessary changes; carried.

F. Award of Video Camera/Intercom Contract at Landfill

Tom Russell reported that along with the changes, they needed to add a video camera to view the license plates and an intercom system at the Landfill. Carry-over funds are available from the 1999 budget for the Landfill. He mentioned there was a few corrections needed on the budget for 2000 including some deficiencies.

Chairman Martin mentioned there was a lot of frustration at the Landfill and they were attempting to resolve them.

Tom mentioned one of the gatekeepers made a lot of progress

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the expenditure of \$8,230 for the video camera and intercom contract at the landfill; carried.

Other Report at the Landfill - Culvert to Replace the Bridge.

Tom stated that the bridge installed last year is causing some bottleneck. There are some culverts at the landfill and suggested they put in those culverts in replacement of the existing culverts. This will increase the driving surface. Tom said he will supply the Commissioners some additional reports before asking them to make a decision.

G. Resolution regarding Distribution of Receipts from National Forest Reserves

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the signature of the Chair on the Resolution regarding distribution of receipts from the National Forest Reserves; carried.

H. Restart of CR 109 Project

Randy Withee submitted a report. He said they would have to close the road in the one area near Aspen Glen. This will be closed and the rest of the road will be for local use only. He said they were planning to start in March and complete in July 2000.

Randy made Attorney Colleen Truden aware of the situation who will coordinate this with Sue Rogers.

I. Options regarding Processing of Accounts Payable

Ruth Kary reported.

Usually the accounting department pays the bills twice per month. Ruth asked to process the payments to vendors each week. On the weeks that the Board does not meet, to issue the payment and submit these reports to the Board at their next meeting. She added that there were controls in place to ensure payments were justified.

Chairman Martin mentioned this met with his approval and supported the request.

Mildred mentioned that if they go to the line item and that line is over budget, the vendors should not be penalized. She felt strongly that the bills should be paid then allow the department head to correct by either a supplemental request or place that item into another account. Some reports are not getting back from the accounting on a timely basis.

Ruth said she would have at least one computer that will access their line items. She added that she would like to have an e-mail system throughout the County. She explained how the process would work.

Commissioner McCown asked for clarification as to why this report couldn't be printing out. He said these reports were necessary for the department heads and elected officials in order to make this work.

A motion was made by Commissioner Stowe to disburse payments on bills once a week. Commissioner McCown seconded; carried.

J. Review of IGA with Rio Blanco and Forest Service Regarding Buford Road

Ed recommended that this standard agreement be executed.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to execute the standard agreement as presented by Ed Green with Rio Blanco County and the Forest Service - Buford Road; carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

CONTRACT FOR CHILD CARE - SUMMIT COUNTY

Don mentioned that Margaret Long had given him the next draft of the document. He has not had an opportunity to review so he requested rescheduling next week during his time.

APPROVAL OF PARKING LEASE WITH UNION PACIFIC

Don DeFord stated the second item on the agenda was the approval of the Parking Lease Agreement with Union Pacific. The document is in the form that's acceptable with Union Pacific. He gave the Commissioners copies of the Agreement adding that it does contain drawings. Timing is critical on this

issue; the County needs to complete this Agreement with Union Pacific in order to prepare the necessary improvements to the parking area before starting construction of the new Detention Facility. Attached to the Agreement is a drawing that portrays the parking area and the road access in question. The items he wanted to highlight in the proposed form of lease -- there is a limitation on the use of the roadway accessing the property. Don has not had an opportunity to talk to Mr. Carlson about that but he read that provision to be -- the road accessing the parking area is not available for general public use. Union Pacific is aware that the County is a public entity so any use technically is a public use, but their intent is to limit it to the uses that we need for the Courthouse. Consistent with this provision, the County needs to post the parking area that it is available for those using the Courthouse, either as employees or patrons of the Courthouse, but not for general public purposes. The other requirements, that came with this lease by form of a letter, includes two questionnaires that need to be completed. Don asked that these be completed, probably by Randy Withee given that one is an Environmental Questionnaire. They need to go back to Union Pacific. Tim Arnett has acquired the Certificate of Insurance and it is in the form Union Pacific required. As part of the Board's approval of the lease arrangement, you also need to approve payment of \$6845.00 which is one year's rent for the property from Union Pacific. This is the amount for the first year; and it will be for the second year as well. But as with all items at the County, the Board can not commit to that.

Commissioner McCown inquired if there was a 3% increase annually.

Don confirmed this was correct but the Board can not approve this now, they will need to wait until the end of this year to do that. So, with these items, Don requested that the Board go ahead and authorize the Chair to sign the lease with Union Pacific for parking. There is one change that needs to be made to their form. They have written this for signature by the Roaring Fork Authority but needs to be changed to the Board of County Commissioners of Garfield County.

Commissioner McCown so moved; Commissioner Stowe seconded. Motion carried.

Enforcement Ability of the Provision Regarding Employee Parking

Don stated that this issue will need to be addressed later as to how this will be enforced.

Chairman Martin - there is an enforcement agreement between the County and the City. The City is going to go ahead and assist in that enforcement.

Commissioner McCown stated the Board will have to come up with some kind of designation that the vehicles are in fact an employee vehicle.

Don agreed.

Chairman Martin stated there was a motion for a lease approval.

Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

Don asked Ed to see that the appropriate check is cut and given to Randy Withee as soon as possible; the lease is effective on the 10th of March. Once it's effective, the County can start construction.

EXECUTIVE SESSION - Two Personnel Issues and a Property Acquisition

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Commissioner's Reports

Oil and Gas, representative Erica Inger - 20 acre spacing - Thursday, March 14 and 15 - Commissioner McCown will attend.

Don said that Barrett is one of the first things on the agenda and this issue may run into March 15. As of today, a filing has been made to extend. Wednesday - 10:00 pre-conference - Don will know. This will be in Denver and Don DeFord participates by telephone.

Jail Bid Openings - March 9th

Ed stated they hope to have a review with the Commissioners on Thursday, the 13th and do the paper work on 14th.

Award - 13th and final documents - March 14.

Ed mentioned the County Health Pool Meetings

Healthy Beginnings - Fund-raiser - Commissioner Stowe said there was a black tie dance at the Hotel Colorado March 29, 2000. He added that the auction was for the bronze statute of mother and child valued at \$39,000.

Commissioner Martin met with Senator Allard - transportation issue.

Mayor's Meeting in Carbondale on Wednesday, March 8.

County Survey team 2:00 P.M. Wednesday, March 8

Thursday, March 9 - RTA meeting at 9:00 A.M.

Commissioner McCown - Communications - Thursday, March 10. Alternate C discussion - P & Z forwarded some input

Review and Appointments - Board Members - Planning & Zoning

Chairman Martin expressed appreciation for those members turning out.

Board of Adjustments - 3 openings and 2 applications

Pete Cabrina and Brad Jordan submitted applications.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint Pete Cabrina and Brad Jordan to the Board of Adjustments; carried.

Corrections Board

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Bill Evans for the Community Corrections Board; carried.

Criminal Justice Services - Old Jail Advisory Board

Don mentioned that the Resolution to create this board has not been completed. Discussion was set at 11:00 - 12:00 today.

Planning and Zoning

Mark Bean stated that 29 applications have been received for the Board's consideration and appointment. The need is for 5 regular members and 2 associate members. This Board consists of 7 regular members and 3 associate members.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to retain the five current members - Mike Sylvia, Ray Schmahl from Glenwood Springs; David Stover from Carbondale; Cheryl Chandler from Silt; and Phil Vaughan from Rifle - saying that their voluntary commitment and experience with the board as the reasons for the controversy re-appointments.

Vote on the Motion

McCown - aye; Stowe - aye; Martin - nay. Chairman Martin cited his vote of nay arguing the Planning Commissioner needed more balance and geographic representation.

Commissioner McCown made a motion to appoint Mike Deer and Rollie Fischer from Glenwood Springs as the two new alternates. Commissioner Stowe seconded; motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Library Requests - Buildings

Susan Baranna presented the request as Chairman of the Library Board.

Susan outlined the needs and requested the Commissioners support.

Commissioner Stowe made a motion and seconded by Commissioner McCown to authorize the expenditure of \$30,196.92 out of the Capital Improvement Fund; motion carried.

Susan Baranna thanked the Commissioners for their support.

Sewer Line Contract Approval

Randy Withee presented the request for an award for the installation Sewer Transmission Main for Garfield County Airport Service Area. He recommended the low bidder - Mendez, Inc. out of Grand Junction who has performed similar work for the Town of Carbondale with great success.

Randy recommended as per the agreement between the City of Rifle, Garfield County, and Airport Land Partners Limited, the County is to provide the following prior to or upon award of the sewer line construction contract:

Deposit with the City of Rifle the amount of the bid - \$420,079.40;

Pay the sewer system improvement fee of \$100,000.00.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the sewer line contract as outlined by Randy Withee in the amounts of \$420,079.40 deposit with City of Rifle per the IGA and to transfer the \$100,000.00 for the sewer system to the City of Rifle; carried.

Eagle County Letter to Union Pacific Regarding Weed Management

Steve Anthony reported that RFRHA has \$50,000 set aside in its 2000 budget for the weed plan. It also intends to seek financial help from local cities and counties along the corridor. Steve said that due to the neglect of weed management within the corridor, it is RFRHA's intent to aggressively manage weed infestation in the year 2000. The primary anticipated method will be the use of chemicals, herbicides and

mechanical strategies in order to regain control of weed growth and infestation. The plan also includes a test plot of non-chemical treatment of weeds on the corridor.

Regarding Soil Conservation - Steve said they have held 3 workshops and each one had a large turnout. *Eagle County /Union Pacific* - unified approach to weed problem/control. If approved, this letter will put this into Eagle County's Letter to Union Pacific.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the agreement with David Griffin as explained by Steve Anthony, Pest & Weed Director.

Lease - Lift-Up Facility next to Rifle Courthouse - \$250.00

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the lease with Lift-Up for rent at \$250 per quarter; carried.

Consideration/Action/Resolution: Criminal Justice Services Advisory Board

Al Maggard and Colleen Truden were present.

Al mentioned the Resolution includes a number of community members who are involved in the study of new programs to assist in alleviating overcrowding at the Jail. They are starting out with alternatives to jail incarcerations and helping the Courts with various programs. An intense review of the material obtained from Mesa County Community Corrections in Grand Junction has been ongoing. Policies and Procedures will be pinpointed most closely but for the immediate operation of the board, they will be broad.

Chairman Martin - a Board member will report back.

Commissioner McCown verified that the Commissioners will have one vote.

Al Maggard stressed that the Commissioners have the direction to change the Resolution - Executive Power.

Chairman Martin - this is a needed resource for the jail and courts; need programs in place to find another way to address the current needs in the County.

Guy Meyer commented on the benefits and standards saying that now community citizens would have input who can possibly influence and expand the light of the current situation to organizations like the Rotary Club, etc. Reports tell Guy that some of these alternative programs should be used.

A letter from Judge Ossola subsequent to this meeting has indicated that the courts are interested in this concept.

Commissioner McCown asked about funding.

Al said they have had discussions on this and there is no one on the County staff who can assume any additional work therefore they are requested \$2500 per year for someone to take minutes and do the mailings, also covers the supplies necessary.

Guy said he was searching for funding but that there is a lot of competition for grants.

Membership on the Board - the BOCC shall appoint members based upon recommendations given to the Board.

Al submitted a draft Resolution for the Chair to sign and requested approval in the form proposed. This could be clarified as to the language regarding appointments on recommendations made to the Board of Commissioners. Also, on reports, these would be given to the Commissioners in the 9th Judicial District. Chairman Martin voiced the burden on this new Board to find the programs - finding alternatives and keeping the population in the jail down.

Criminal Justice Board Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Criminal Justice Board as outlined in the draft with the changes submitted and give Chair approval to sign; adding the funding mechanism of \$2500 for expenses; discussion included that a budget amendment would be needed for the first year of \$2500. Motion carried.

Executive Session - Personnel Issue and Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session, carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

CONSENT AGENDA

1. Approve Bills
 2. Sign Acknowledgment of Partial Satisfaction of Subdivision Improvements Agreement: Coryell Ranch and Midland Point Subdivisions
 3. Sign Contract with Houglund & Associates: Secure As-needed Services for Review of Fire Hazard & Emergency Response Issues Related to Land Use Applications
 4. Sign Release #1 to Original Houglund & Associates Contract: Review of the Chenoa Pre-Application and Application Materials.
 5. Authorize Request to Proceed: Amended Plat Mylar of Englund/Moore Subdivision, Lot 2.
 6. Sign Resolution of Approval: Hatch Conditional Use Permit
 7. Sign Hatch Conditional Use Permit
 8. Authorize Request to Proceed: Amended Plat Mylar of Sunlight Parkway
 9. Sign Release to Contract No. 3 with Wright Engineers to Secure Review Services for the Aspen Equestrian Estates Final Plat Application
- A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the consent agenda items 1-9; carried.

REGULAR AGENDA

Insurance Pool Membership Update and Loss Trending: Work Comp & CAPP Pool
Ed Green submitted the report. Discussion was held.

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS:

REQUEST FOR APPROVAL OF AN EXEMPTION FROM SUBDIVISION FOR MJN INVESTMENTS. LOCATED SOUTHEAST OF CARBONDALE. APPLICANT: MJN INVESTMENTS

Mark Bean and Mark Nieslanik were present.

Mark Bean submitted a staff report that was presented to the Board on June 7, 1999 and continued a number of times since that date. The meeting was opened and continued, subject to the applicants resolving various issues. Since that time the applicants have met all of the proposed conditions, except for Condition No. 8. The Reeds withdrew their consent to allow for the emergency access based upon enclosed statements included in the staff report. The Carbondale and Rural Fire Protection District has reviewed the application and the applicant will put in a fire hydrant.

Mark said they have met all of the suggested improvements.

Chairman Martin swore in the speakers.

Recommendation:

Staff recommends APPROVAL, with the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for each exemption parcel.

That the following plat notes shall appear on the Final Exemption Plat:

of noxious weeds is the responsibility of the property owner."	"Control
be allowed for each residential unit within a subdivision exemption	"One (1) dog will
be required to be confined within the owners property	and the dog shall
boundaries."	

"No open hea

any dwelling unit. All dwelling units will be allowed an unrestricted
number of natural gas burning stoves and appliances."
that goes beyond the property boundaries."
agricultural operations and practices will not be pursued."

Repair and maintenance of the access easement shall be the responsibility of the property owners subsequent to recordation of the subdivision exemption.

That the applicant provide a final copy of the "Amendment A" to the easement agreement dated 5/12/99 between the applicant and Joe & Shirley Kline, with said agreement being to the satisfaction of the County Attorney.

That the applicant amend the deed of adjacent property owners Robert and Susan Reed to include a permanent easement agreement for emergency access, with said agreement being to the satisfaction of the County Attorney.

Prior to the approval of an exemption plat, the applicant will demonstrate that all wells will meet the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of
- 4) A written opinion of the person conducting the well test that this well should be
- 6) The water quality be tested by an approved testing laboratory and meet State
- 7) If any well is to be shared, a water sharing agreement will be filed with the

the aquifer and the stat
adequate to supply wa
guid
exemption plat that de

That the applicant provide a well sharing agreement for the existing well and the proposed exemption parcel not served by the Town of Carbondale.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request of MJN Land Investments for an exemption from the definition of subdivision as described in the staff report with the 10 recommendations as conditions of approval striking No. 10 since it was provided today; carried.

PUBLIC MEETINGS:

FINKLE/PROMONTORY ANNEXATION PETITION: WAIVER ANNEXATION IMPACT REPORT REQUIREMENT. CITY OF RIFLE

Mark Bean and Attorney for the City of Rifle, Lee Leavenworth were present.

Discussion was held as to the annexation and especially CR 293 going east toward Cottonwood Springs.

Commissioner McCown concern is that this County Road is not adequate to handle additional traffic.

Mark suggested that a traffic impact study be done in connection with this.

Lee said he will let the City know of the Board of Commissioner's concerns.

Mark suggested to agree to the waiver as long as the City is aware that the County wants CR 293 annexed.

A motion by Commissioner McCown and seconded by Commissioner Stowe to approve the waiver of the annexation requirement; carried.

SIGN FINAL PLAT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR FOUR MILE RANCH SUBDIVISION

Lee Leavenworth and Don DeFord were present.

Lee said the City did approve the *Special Use Permit for the Four Mile Improvements* so they are ready to go. The mylar is over at the County Surveyor and is not signed to-date. Discussions with the County Attorney and Mark Bean were to have the Commissioners make a motion that would be appropriate today, since nothing can be signed today, but it is very important to get the Final Plat and Subdivision Improvements Agreement for Four Mile Ranch Subdivision approved today.

Don submitted correspondence received from Lee dated today. As indicated Lee has discussed this with Don earlier today regarding not having the signature from the lender on the plat. What Don agreed to recommend to the Board was to authorize the Chair sign the plat, subdivision improvements agreement and cash deposit agreement when the plat is complete and fully signed. Further, by the Commissioner's motion, to direct that the Clerk hold recording all final plat documents until the full executed plat, subdivision improvements agreement and cash deposit are received.

Don explained that normally the County utilized a letter of credit on security on improvement. In this case, the developer anticipates the deposit of cash with the Treasurer's Office. An agreement has been reached as to how that will be received and distributed. In summary, it's substantially similar to the manner in which

we would treat a letter of credit except in this case the County holds cash. There is a fee charged by the Treasurer to hold these funds.

Don said he could recommend that the Board go ahead and proceed in that manner. The County will be also be receiving a certificate from their engineer concerning both the cost of additional improvements as well as certifying the substantial improvements completed to-date.

Lee said they have done a preliminary letter on that; the plan kept changing on the road. They actually expect to have a signed contract on the road tomorrow and will let Mark Bean review the letter. Lee stated he did prepare a proposed motion.

Don mentioned there was one other item that Lee raised in his letter that needed to be pointed out to the Board -- that is the County's contribution to the road. In the letter they present their arguments as to why the County, at this juncture should also authorize the transfer of \$58,000 to the same fund to be held by the Treasurer to be applied to the construction of Four Mile Road.

Don stated they have met the conditions of the Board however, it is ultimately the decision of the Board to make that finding. This additional authorization should be included in the motion.

Ed clarified that this was for Road and Bridge from capital expenditures.

Lee handed out the motion he prepared for the approval of the Subdivision Improvements Agreement for Four Mile Ranch. Lee commented that the agreement with the County to pay for some of the improvements to the Four Mile Road only in consideration, avoiding the retaining wall and them getting approvals from the City to do that and acquire the easement from Mr. McGregor. This goes back to the meeting that was held back in January.

Commissioner Stowe stated the County had agreed to the \$116,000 as how much more to build the retaining wall and the Board had agreed to split that cost with them in that they acquire the necessary easements or anything, the County would not be involved in any easements and put our 50% of that added cost.

Lee stated that correspondence was exchanged with Don at the time to make clear what the County said and his request is consistent with that correspondence.

Action Taken

A motion was made by Commissioner Stowe to approve the Four Mile Ranch Subdivision's Final Plat, the Subdivision Improvement Agreement and the Cash Deposit Agreement, and direct Mildred Alsdorf to record Four Mile's Final Plat upon receipt of Four Mile's fully executed mylars and fully executed SIA and Cash Deposit Agreement, and Four Mile's cash deposit for completion of the public improvements in an amount to be approved by staff, and that we approve a transfer of \$58,000 from the County as the maximum obligation to the County to the Four Mile's cash deposit account, once it is funded by Four Mile, in satisfaction of the County's pledge to assist in the improvements to Four Mile - County Road 117.

Commissioner McCown seconded. Motion carried.

Discussion - Don DeFord clarified that no conveyance would be made until the final plat has been signed.

Lee Leavenworth stated that he understood.

Sewer Line Construction

Lee stated the County has asked them to wait until April 1. Lee will be happy to require that this be coordinated with Road and Bridge. If the County would like he will require that the Contractor take out some ads in the newspaper addressing about the management program and when construction will start. Commissioner Martin requested a copy of the closures to be forwarded to the Courthouse so it can be posted in a public place.

Procedure for the Public Health Officer - ISDS Failure

Mary Meisner requested the appointment of Sherry Caloia as the Attorney for Public Health with regard first line of appeal for any citation. Sherry has had former experience in the County in this area.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Sherry Caloia as the Counsel for Public Health regarding the ISDS failure; carried.

RTA DISCUSSION

Dan Blankenship was present and presented a Resolution that formalizes the participation of Garfield County in discussions about providing regional transit services.

Commissioner McCown made a motion -after lengthy discussion was held - to authorize that Garfield County will sign a letter of intent to participate in these discussions. Commissioner Stowe seconded the motion.

Vote:

Stowe aye; McCown - aye; Martin - nay. Chairman Martin said his reasons for voting against the measure is that the word of the government should be adequate and he was not in favor of signing a letter of intent.

Commissioner Stowe volunteered to participate as part of these discussions.

Now that the County has agreed to come to the table, it opens up the areas west of Glenwood Springs.

Municipalities - New Castle west - to Battlement Mesa.

Chairman Martin said they would approach those municipalities and inform them that the County will participate in discussions and invite them to be a part as well. This will indicate if others are interested.

Commissioner McCown said this should include the part of unincorporated Garfield County as well.

Commissioner Stowe promised to zero in on the point that all unincorporated Garfield County should participate in the discussions.

DISCUSSION & DIRECTION: BARRETT RESOURCES CORPORATION 20 ACRE SPACING APPLICATION

Mark Bean stated that under COGCC rules and regulations, it must act on the request regarding the well density in areas south of the Colorado River in Rulison and the detrimental effects on residents and the area.

Steve Soychak - Barrett Resources - urged the County not to protest the 20 acre spacing. He said that they enter into landowner agreements and claimed that the landowners who control approximately 78% of the surface within the Rulison field application area south of the Colorado either support or have not said they are opposed to the application. He added that the land controlled by those opposed makes up just 480 of the 2,200 acres south of the river. He added a protest by the county is counter to the desires of the majority landowners and added that dissenting surface owners had filed a protest with the COGCC.

Public Comment addressed in this issue that requested the Board of County Commissioner intervene included Arnold Mackley, Diane Mackley, Janey Heinz, vice president of the Grand Valley Citizens Alliance, Steve Collins and Carl Roberts. Carl Roberts thanked Mark Bean for the report.

At this time, Commissioner McCown requested an executive session to advise the Commissioners on potential litigation issues.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to out of Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to send a delegation to Denver to file an intervention and a motion of continuance based on the testimony here today that shows concern in the community for the increased well density in areas south of the Colorado River in Rulison and how it effects residents and the area. Motion carried.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest

Chairman of the Board

MARCH 9, 2000

PROCEEDINGS OF THE BID OPENING FOR THE

GARFIELD COUNTY DETENTION CENTER

GARFIELD COUNTY, COLORADO

The Bid Opening began at 2:00 P.M. on Thursday, March 9, 2000 with Chairman John Martin present. Also present were County Administrator Ed Green, County Engineer Randy Withee, Contract and Purchasing Tim Arnett, Sheriff Tom Dalessandri, Architects from Rielly Johnson Bob Johnson and Harvey Whitcomb, Jail Advisory Board/Community Corrections President Al Maggard, and Clerk & Recorder Mildred Alsdorf.

AGENDA

BID OPENING FOR THE GARFIELD COUNTY DETENTION CENTER

Chairman Martin welcomed and thanked everyone for showing up including the press who will cover the story.

He added that Tim Arnett will be presenting. Hopefully, we can accomplish building a new facility for Garfield County, one of the largest projects that has ever been undertaken in Garfield County.

Tim Arnett stated the bid receiving time is passed and the County could not receive any other bids. There was only one bid received - that was from G. E. Johnson from Colorado Springs.

Regarding the process, there is a list to go through today. The first thing -- there were 8 addendum's and all potential bidders stated that all 8 addendum's were received. The next thing asked for was the total lump sum. The one bid from G. E. Johnson was a total of \$14,680,000.

In that figure:

Cost of bussing workers	\$	64,000
Snow melt system	\$	6,000
Project Manager will be Ron Thonberg		
Project Superintendent will be Dave Bearman		
Number of days to complete the project - 541 calendar days		
Total utility relocation	\$	246,806
Bid bond included		
Non Collusion affidavit included		
Mechanical - Cobb	\$	2,000,000
Electrical - B & B	\$	887,000
Earthwork - Gould Construction	\$	629,000

The Staff will be reviewing the performance versus the money and make a recommendation to the County Commissioners for approval. He added that the staff will meet to determine if anyone has any questions.

Bob Johnson replied to a question from the audience -- the amount of the Architect's estimate was \$12.8 million. Don asked if a time was specified when a formal recommendation would be made?

Chairman Martin stated this will be on Monday, March 13 at 11:30 A.M.

Ed Green stated they will need to go into deliberations as far as the evaluation criteria on Friday, March 10 and evaluate the price and be ready to make a recommendation to the Board.

Audience asked if this would be accomplished by 2:00 P.M. Friday, March 10?

Chairman Martin stated yes, that was the deadline.

Adjourn

MARCH 13, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 13, 2000 with Chairman John Martin and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf. Commissioner Stowe was absent.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

A motion was made by Commissioner McCown for Planning & Zoning voting change form for ICBO from former employee Jim McMurray to Building Inspector Arno Ehlers representing Chairman Martin seconded; motion carried.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

- A. Deliberations Regarding Selection of General Contractor for Garfield County Detention Center

Reilly Johnson was contacted by telephone.

Don stated the Board could handle this in an Executive Session to discuss the contract negotiations.

Commissioner McCown so moved; Chairman Martin seconded. Motion carried.

Commissioner McCown moved to come out of Executive Session. Chairman Martin seconded; carried.

Commissioner McCown made a motion to reject the bid for the construction of the new Detention Center - G E. Johnson who is not being responsive and over budget.

Chairman Martin seconded.

Discussion

Chairman Martin summarized that GE Johnson was non-performing, non-expectations, and some various qualifications that did not comply with the County's scope.

Motion carried.

Commissioner McCown summarized that after conversations were held with Architect Bob Johnson, the County cannot afford many options due to the time frame of the schedule, winter protection for Masonry work; therefore the option will be to pick a list of contractors for best value for the money, select one, and move forward on jail construction. The time element is too critical; three contractors already in a holding pattern and this award cannot be delayed longer than 30 days.

Commissioner McCown made a motion under the emergency situation to waive the purchasing code and move into negotiations.

Don DeFord stated that by waiving the purchasing code it will not jeopardize our funding.

Chairman Martin seconded; carried.

North Tech has provided the County some contractors that have a history of being reliable.

Staff team to interview the contractors and make recommendations to Board.

Dan Hall - Jail - Emergency Situation in Kitchen

Dan Hall reported on the ceiling in the jail saying the interior repairs can be completed with inmate labor. and address the situation so that it will comply with the State Department of Health standards. However, the roof will need to be contracted to patch the leak - need to re-roof.

The Board directed Tim Arnett to work with Dan Hall to assess the problem and develop a strategy to proceed and find someone to do these repairs needed on the roof.

Executive Session - Legal Advise - Land Use

A motion was made by Commissar McCown and seconded by Chairman Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin to come out of Executive Session; carried.

Commissioner Stowe present.

CONSENT AGENDA

- a. Approve Bills
- b. Approve Request to Extend the Approval of the Klein Subdivision Exemption to December 2, 2000.
- c. Sign Contract with Colorado River Engineering to Secure As-needed Services for the Review of Engineering Issues as they relate to Land Use Applications
- d. Sign Release No. 1 with Colorado River Engineering for Review of the Chenoa Pre-application and Application Materials
- e. Sign Release to Contract No. 4 for Wright Water Engineers
- f. Sign Release to Contract No. 5 for Wright Water Engineers
- g. Sign Release to Contract No. 6 with Wright Water Engineers to Secure Review for the Ukele Acres Preliminary Plan Application
- h. Authorize Termination of 1 1/4-Truck Purchase Award: Columbine Ford
- i. Authorize Request to Proceed to Present Amended Plat Mylar of Tract 44, Antlers Orchard

Discussion was held on these items.

A motion was made by Commissioner McCown and seconded by Chairman Martin to approve the Consent Agenda items a - i, exclusive of Item b; carried.

Announcement - In view of the jail bidding negotiations - ACE Roofing will not be bidding. Commissioner Stowe is no longer exempt from the negotiations.

Phyllis Lundy announced that Norwest Bank is offering to employees, free checking, etc. Ed recommended to provide this as another option. The Commissioners agreed.

Chase Manhattan

After bond review Commissioner McCown moved to approve this additional service offer and authorized the Chair to sign the letter. Commissioner Stowe seconded; carried.

Request for Time Extension Beyond the 120 Days - Klein Subdivision Exemption

Mark submitted the request to postpone this to November 13, 2000 McCown Stowe, carried.

Commissioner McCown so moved; Commissioner Stowe seconded; motion carried.

The sub-tier contracts have a date of April 30,2000 before they expire.

Housing Authority Board

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to re-appoint Shelly Bunton from Alpine Bank to serve another term on the Housing Authority Board; carried.

Criminal Justice Board - Members Volunteering

Al Maggard submitted a potential list of volunteers for the Criminal Justice Board for review.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

- a. Contract for Child Care: Summit County

Don DeFord reported that he had reviewed this and asked the board to authorize Margaret Long to execute the Contract for Child Care with Summit County. He added that we're contracting with Summit - it requires the County to written assignment from the State.

Commissioner McCown so moved; Commissioner Stowe seconded; carried.

- b. Banking Agreement - agreement with Alpine and do a second extension - this extension stated the end of March, but Don requested to run this through May 31.

Don mentioned that Georgia Chamberlain is in negotiation with Alpine Bank regarding fees. Don requested to see if rates and charges should be checked with other banking agreements. Commissioner Stowe wanted to check on some other banking institutions to see a comparison. Commissioner McCown made a motion and Commissioner Stowe seconded to approve a 2nd extension on the banking agreement until May 31, 2000. Motion carried.

c. Letter dated October 15, 1999 with Chase Manhattan - financial instruments in place
Don asked the Chair to sign. He reminded the Commissioners that a previous motion was made for the Chair to sign.

b. Corporate Air Services Release No. 2: Letter of Credit
Carolyn Dalghren submitted to the Board Corporate Air Services Release No. 2 - Letter of Credit saying that Jay Rickstrew of Alpine Bank has been contacted and informed that the hangar is almost completed. The fire and sprinkler system needs to be installed. The building is 95% complete.

Commissioner Stowe made a motion to approve a partial release No. 2 of security in the amount of \$ 97,540.87 to CAS and CAS's Construction Contractor. Commissioner McCown seconded; carried.

Executive Session - Litigation - DeFore and Lofton

A motion was made by Commissioner McCown and seconded by Chairman Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin to come out of Executive Session; carried.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS/PUBLIC MEETINGS:

PUBLIC MEETINGS

a. **Application for a Lift Station. Located: East of Carbondale, along CR 100.**
Applicant: St. Finnbar Land Company

Don DeFord, Kit Lyon and Ron Liston were present.

Mark presented the review of the St. Finnbar Lift Station Application for Site Approval.

The Ranch at Roaring Fork ("The Ranch") owns and operates an existing wastewater treatment plant. The Ranch is scheduled for the expansion of its wastewater treatment facilities in March, 2000. The approximate time for completion of the expansion is 6 months. Then the expansion is complete, the hydraulic capacity of the facility will be 100,000 gallons per day and the organic capacity will be 200 lbs. per day. The existing management structure is based on The Ranch Homeowner Association Rules and Regulations and the expanded facility will continue under the same type of rules but with a newly formed Committee composed of representatives from The Ranch and St. Finnbar.

Recommendation

Staff recommends approval of the proposed site application with the following comments.

That the applicant obtain a special use permit to place the lift station facility in the flood plain.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the application for a Lift Station as presented; carried.

b. **Request for approval of an Exemption from Subdivision for Linda Craig/Barton Porter. Located T6S, R93W of the P.M., S35, E 1/2, NW 1/4 and N 1/2, SW 1/4, approximately 4 miles Southwest of Rifle off of CR 319. Applicant: Linda Craig**

Don DeFord, Jeff Laurien, Linda Craig and Barton Porter were present.

Don reviewed the public notice and proof of mailings and advised the Board they were entitled to proceed. Jeff presented the following Exhibits: Exhibit A - Proof of Public Notification; and Exhibit B - Returned receipts.

Chairman Martin entered Exhibits A and B - into the record.

Jeff stated this was a request for an exemption from the definition of subdivision for Linda Craig and Barton F. Porter on a tract 161.9 +/- acres with a private road off of CR 319 located in A/R/RD Zoning. The parent tract of land to be subdivided into four (4) exemption parcels of 6.52; 6.52; 6.52 and 142.34 acres.

Section 8:10 of the Subdivision Regulations, 1984, as amended, allows the Board of County Commissioners the discretionary power to exempt a division of land from the definition of subdivision and, thereby, from the procedure in Sections 3.00, 4.00 and 5.00, provided the Board determines that such exemption will not impair or defeat the stated purpose of the Subdivision Regulations nor be detrimental to the general public welfare.

Recommendation

Staff recommends approval of this subdivision exemption with the following conditions to be met before recording of the Final Plat:

In order to ensure that the proposed exemption is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval. Pursuant to Section 8.52 (C) and F) of the Subdivision Regulations and Section 5.01.05 of the Zoning

Resolution:

A statement which reads:

EXEMPTION CERTIFICATE

This plat, approved by Resolution of the Board of County Commissioners at Garfield County, Colorado this ____ day of ____ A.D. 200__, for filing with the Clerk & Recorder of Garfield County and conveyance to the County of the public dedications shown hereon; subject to the provision that approval in no way obligates Garfield County for the financing or constructing of improvements on lands, public highways or easements dedicated to the public except as specifically agreed to by the Board of County Commissioners and further that said approval shall in no way obligate Garfield County for the construction repair or maintenance of public highways. Further, such approval in no ways implies that information shown herein is true or accurate but does indicated that this plat is exempt from and not subject to regulation under Garfield County Subdivision Regulations at the time of its filing.

Chairman

Witness my hand and seal of the County of Garfield.

Attest: _____

County Clerk

This document must be included on any Final Plat to be submitted for recording to ensure that the easement across the property to the east is accepted by the County to ensure access to the subject property. Further, a plat note which reads:

“No locked gates or other devices can be placed across the easement recorded in Book 1172, Page 813, of the Garfield County records which restricts access in any way to the lots within the Subdivision Exemption.”, must be included on any Final Plat submitted for recording.

A Home Owner's Association must be formed to act as the grantee of the easement from the grantor (the Applicant's). This Home Owner's Association must accept the access and utility easement on the subject property as depicted on the submitted plan and ensure that access will be provided to Lots 1, 2, and 3 in perpetuity.

Since the proposed access to the lots on the subject property will be a private road, a road management plan/agreement will need to be completed and included as a covenant of the Home Owner's Association. This plan/agreement must include how the road on the subject property as depicted on the submitted plan will be maintained to provide year-round access for standard automobiles to all lots within the subdivision exemption. This will include by not limited to designating the Home Owner's Association as the entity that will maintain the road to a standard that will be accessible to standard automobiles on a year-round basis. A description of maintenance to be performed on the access road must be included in the plan/agreement and must include but not be limited to snow removal, grading and other required maintenance to ensure year-round access. How maintenance of the road will be financed must also be included in the plan/agreement.

This plan/agreement will be a condition of recording of any Final Plat, and will need to be recorded as a covenant to the Home Owner's Association prior to or with any Final Plat recording.

3. *Pursuant to Section 8:33 of the Garfield County Subdivision Regulations:*
A Final Exemption Plat shall be submitted, indicating all easements including but not limited to access and utility easements and easements for the well sharing agreement.
4. *Pursuant to Section 8:33 of the Garfield County Subdivision Regulations:*
That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.
5. *Pursuant to Section 8:42 (1) of the Subdivision Regulations:*
That the applicant shall submit \$800.00 in School Site Acquisition Fees for the creation of the exemption parcels. This must be done prior to or at the time of submission of any Final Plat.
6. *Pursuant to Section 8:52 (B) and 8:60 (D) of the Subdivision Regulations:*
That the 1978 Garfield County Zoning Resolution as amended, and the Colorado Department of Public Health and Environment standards shall be complied with.
7. *Pursuant to Section 8:52 (G) of the Subdivision Regulations:*
That the applicant submit a letter of approval from the Rifle Fire District and pays any associated impact fees. This must be done prior to or at the time of submission of any Final Plat.
8. *Pursuant to Section 8:42 (D) of the Subdivision Regulations:*
Since the well on the subject property is to be shared among lots 1,2, and 3, a well sharing agreement between these three lots must be completed and included as part of the Home Owner's Association covenants. This well sharing agreement must include but not be limited to how each of lots 1, 2, and 3 will have an interest in the well to ensure adequate water supply. How common infrastructure (well, pipes, etc.) will be constructed, maintained and financed must also be included in this agreement. Further, it should be stated within the agreement that individual property owners are responsible for the construction and maintenance of the portion of the infrastructure (pipes, etc.) located on their property and providing water solely to their property. This must be completed and recorded was part of the Hone Owner's Association prior to or in conjunction with any Final part of the Hone Owner's Association prior to or in conjunction with any Final Plat recording.
9. *Pursuant to Section 8:42 (D) of the Subdivision Regulations:*
The applicant shall provide proof of legal and adequate source of domestic water for each lot created and will demonstrate that the water supply will meet the following.
 1. That a four (4) pump test be performed on the well to be used.
 2. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 3. The results of the four (4) hour pump test be performed on the well to be used;
 4. A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed.
 5. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 6. If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and how assessments will be made for these costs;
 7. The water quality tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
 8. That all recommendations made by Garfield County Road and Bridge in their memo dated 2/11/00, and stated below must be complied with
 1. Developer must obtain a driveway permit from the Road and Bridge Department.
 2. Entrance will be required to meet all drainage and sight recommendations.
 3. All traffic control devices will be installed by the developer and will conform to the manual on uniform traffic control devices.
 9. Pursuant to Section 1:21, Section 8:60(I) 1,2, and 3., and Section 8:52(A) of the Subdivision Regulations and Section 1.08 of the Zoning Resolution:
That the following plat notes shall appear on the Final Plat:

"Engineered building foundations and/or septic systems may be required to mitigate potential soil constraints."

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"All lots with the Subdivision Exemption are subject to the covenants of the Home Owner's Association unless otherwise stated within these covenants."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Jeff stated there is only one egress ingress to this property.

Comments from the Applicant

Linda Craig explained the roads into the property.

Barton Porter mentioned that they were within 2 miles of the storage for the tomato plant.

Chairman Martin mentioned that the 30,000 gallon tank meant

Developer named the road called Gage Road.

A motion was made by Commissioner McCown seconded by Commissioner Stowe to approve a request noting that the subject road has been named for emergency access. Motion carried.

c. Request for a Plat Amendment to Adjust a Lot Line. Applicant: Lyon Land and Cattle CO, LLC.

Don DeFord, Mark Bean and Barton Porter were present.

Don reviewed the public and advised the Board they were entitled to proceed.

Mark stated that this is a request for a Plat Amendment to adjust a lot line for Lyon Land and Cattle Co., LLC. The proposal is for an Amended Plat to adjust a lot line so that the lot will abut existing CR 236 to the existing lot. Currently the lot is accessed via a driveway across an adjoining lot owned by the same persons, between the subject lot and CR 36. The lot line adjustment will result in the existing properties retaining a minimum lot area of at least two (2) acres.

Recommendation

Staff recommends APPROVAL of the applied for Amended Plat.

Public Comments - none.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve a request for a Plat Amendment to adjust a lot line for Lyon Land and Cattle, CO LLC.

Motion carried.

PUBLIC HEARINGS

a. Request for Approval of the Preliminary Plan for Oak Meadows, Filing

Located:

South of Glenwood Springs, approximately 4 miles off of CR 117. Applicant:

Oak Meadows Development Corporation.

Jim Leuthueser, Mark Bean, Ralph Delaney, Diana Delaney and Davis Farrar were present.

Jim reviewed the public notification and posting as well as the returned receipts of certified mailings. He determined that the Commissioners were entitled to proceed with the hearing.

Chairman Martin swore in the speakers.

Mark presented the following Exhibits: Exhibit A - Proof of Public Notification; Exhibit B - Returned receipts; Exhibit C - Garfield Zoning Resolution of 1978 as amended; Exhibit D - Subdivision Regulations; Exhibit E - Application and submittals; Exhibit F - Project Information and Staff Comments; Exhibit G - Memo he passed out from the Oak Meadows Developers and

Exhibit H - Letter from Geological Survey - dated 1/10/2000

Chairman Martin entered Exhibits A - H into the record.

Mark stated that this is a Preliminary Plan review of the Oak Meadows Ranch PUD, Filing No. 4 on a 101.086 acre tract of land located approximately 4 miles south of Glenwood Springs with access onto CR 117. The current adjacent zoning is A/R/RD and Oak Meadows PUD.

Mark gave a summary of the written report submitted to the Commissioners for their review and provided a brief history of the project.

The project includes changing the density to 86 dwellings on the 101.86 acre parcel. The gross lot density will be one (1) dwelling per 1.18 acres. The majority of the lots (68) will be single family detached lots, with 18 lots that may be combined together to create two family unit lots.

One Issue of Controversy - the new sewer system is needed. The term experimental has been used. It is a system that it will have to meet the State Departments regulations. Soils and Geological - the dormant landslide area is termed as a margin of safety. There is still a concern by the State Geologist - additional study needed prior to approval of building on the lots.

A letter from the School District for the 1980 project where the 7 acre site dedication has been reviewed was mentioned.

Recommendation

The Planning Commission recommended denial of the proposed application due to a lack of adequate water for the subdivision needs.

Staff is still concerned about the difference in opinion between the Colorado State Geological Survey and the applicant's geotech engineer regarding the stability of the identified landslide area. Staff had recommended denial of the application to the Planning Commission due to the differences in opinion regarding the stability of the area.

Comments by the Board:

Davis Farrar and Diane Delaney, as well as Steve Pollack on Issue of Landslide were the speakers.

Davis Farrar commented and gave a brief history saying this is the last build out of the project.

They are adding additional storage and the developer is participating in the sewer system; the project preserves open space on the hillside to allow for migration of wildlife; Open Space - over 55% maintained and open fields and rails for the project. This proposal includes 18 duplex lots and small single lots - the new development is called the New Urbanized Section.

The larger area is saved as property held for School District. Emergency egress as been addressed.

Development and Road Impact - \$302,000 are planned to spend on road impact fees.

Pennington to address the well sites.

Improvements on the older site includes rebuilding of the tennis courts.

Concerns regarding building heights; home occupations are prohibited; issues related to set backs. BLM has made a restriction that include 10' set backs - requirement for game friendly fencing and restriction on dogs running at large.

Forest Service - needs will be addressed at 100% as proposed. On the claim that inadequate water supply was the reason for P & Z denial. For these 86 units there is an adequate water supply.

Dinae Delaney - quoted from page 55 on the staff report. She reviewed the portion of what is needed for the AMSCO Service area. An analysis by SGM - 72 gallons per minutes - based on 85 units. 72.83 required - 6 wells to be drilled at 375' depth. Well No. 9 decreed as a supplemental source - both equal 90 gpm. No augmentation is required.

Bob Pennington with Jerome Gamba provided the water system schematic and explained the geological makeup of the water supply. The waste water plant was explained. It is designed for an ammonia removal. Construction has been started on the waste water plant.

Commissioner McCown asked if there was a water purification system.

Bob said it was a loop system.

Steve Pollack of HP Geotech spoke on soils and geological conditions have been addressed - ancient landslide - borders the upper grade.

Steve has worked on - Maroon Creek Club - near Aspen - Wildcat Subdivision, Arrowhead, and did develop on those landslides without any problem. He described the methods they went through. The stability factor referred to as marginal is not the major concern. The overall stability - they put in deep pourings and measured the wells - the waters in this landslide are not - 33' and 142' - additional monitoring in all these levels - they have recommended to be identified through those peaks - developer has agreed and will be done by June 2000. Overall stability - his opinion is reasonable for this type of geological - adequate stability. The developer could create a lack of stability could be incurred by a cut into the slopes. Jonathan White agrees that have been done at a maximum. The cuts and fill heights. A vertical sense for the cuts.

Grading restrictions - must be maintained. The developer has agreed to Engineering Foundations and engineering grading.

Davis Farrar summarized saying that moving forward is better than no movement. It accomplishes the goals of the BOCC.

Public Input:

Sherry Caloia representing the interest of the School District. Fred Wall and John Courier present as well. Sherry addressed the 1980 agreements for the school district to have water and sewer. Not subject to homeowners association. Agreement - 1980 - long standing - right of first refusal - expires the end of 2000 as outlined in the 1980 and 1985 agreements. To criticize the school districts of their failure to activate the agreement is absurd. She asked the County to enforce the agreement made in 1980. Additionally the agreements in 1994 and 1995 allowed Mr. Delaney 85 units - in this filing. These numbers were reached by Tom Zancanella. Augmentation plan limits to 85 homes with 15 being reserved.

John Curry - Resource Engineering Inc. - background - physical water supply available. Since 1991-2 involved by Oak Meadows Water systems. The spring flows were inadequate in the 80's due to drought; they had an agreement to get water from the upper wells to service the 24 homes then in that area. The wells in the aquifer were barely producing water for the current build-out. Filing 2 had to truck water in from Glenwood springs. The results of this activity - agreements between John Curry and Tom Zancanella - representing the homeowners, and Louis Meyer representing for Delaney were summarized. John Curry said he never heard anything about this school parcel. Sherry Caloia called him. If they had knowledge and the requirement of water and sewer service, then they would have stated there is an impact in the number of units that could be served. 15 taps are required for the school.

Fred Wall - Board of Education - spoke on the issue of land and land fee dedication. One site in inventory - this site being discussed today -- growth is an issue. Sopris Elementary -- this site would service a small school site but would be of no benefit unless they have sewer and water. Asked the Board to consider denying the request.

Ms. Betty Russos - homeowner in Oak Meadows - spoke in favor of this application and submitted Citizens Exhibit - A.

Alex DeLazarza- Oak Meadow Resident - preferred the current 3 acres per dwelling - with this development - 1 acre per unit will destroy the area and urged them to scale it - approximately 200 more cars going up and down on CR 117 and only getting \$300,000 from the developer for road improvements. A letter from Oak Meadows states they can tap into their system for water. An agreement can be supplied.

Sherry Caloia - there were agreements entered into under a separate agreement and will not come under the 85 being discussed here today.

Tanya Uran - purchased her home in November of 1999 - concerned about water - neighbors - drought situations - how to supply this development - no water shortage as yet.

Matthew McQueen - he has to live with this - over the last couple of years - the studies - comfortable with water and sewer - Mr. Delaney has negotiated in good faith with the homeowners. Improvement of Tennis Court if this is approved.

Anita McQueen - 6 years - Bob Delaney since 1979 - lives here and not going anywhere. More careful than others. Two (2) plans have been on record since 1994 - in 1995 adopted - Oak Meadows and Homeowners - 55 out of 65 approved the reorganization agreement. If this project is denied. The Homeowner still need to pay for the upgrades - beneficial to all homeowners and extra water for fire protection from the threat of fires. The homeowners - since 1994 - no problems with the water and drought years have occurred.

Greg Beightel - submitted Exhibit 2 for Citizens - purpose for being here - he represents the Directors of Oak Meadows - encourage to approve - read a letter from the Association Board of Directors. Asked to have the Commissioner approve - Oak meadows service company (OMSCO) have agreement and a common working relationship - offers benefits to the current homeowners - the cost of these - \$500,000 - \$600,000 - 52 current homeowners. They have adequate water.

Sewer plant - if approved will cost each homeowner \$750.00 - if this is not approved then the cost goes up to \$10,000 each homeowner for the sewer system. Requested approval of the filing request - will benefit the Homeowners Association. President and member of negotiating team - consensus of most in Oak Meadows. Impossible to come up with financing when they did a new well. The board believes that it is OMSCO who is responsible for the sewer system - they suggest of the sale of the real estate will benefit them for making these improvement. Would like to see this passed.

Loren Anderson - Filing One Homeowner - signed the letters to go to the PUC expressing concern for water. 85 taps for Oak Meadows - 15 for the school and 70 plus 10 without a letter - brings it down to 60 and then the letter written by Brad Israel - saying it should be 35 and take in those - he favors keeping the density to where it is at the present time - very nice subdivision - this is a culmination - if you exceed the water we will be trucking water. Advised against that.

Commissioner Martin - asked if any shortages in water supply.

Loren Anderson - no, but there are indications of some problems.

Commissioner Stowe - clarified that there were only 10 that don't have an agreement.

Loren Anderson - not sure how many have agreements out of the 10. Getting an agreement is not that difficult. At this level it doesn't make sense due to the water - no storage capacity.

Jim Asterick - resident since 1979 in Oak Meadows - questions from memory - asked if any County Commissioners ever looked at the site the school is going to be built on. He believes the site in 2 -3 acres of buildable land. How does he build a school on that property - wet lands - too close to the river on Four Mile Creek. If this is denied - then the Martin Reservoir acre feet goes by the Board - the well was built by funds by the homeowners. Sherry Caloia - if successful in blocking - if that is denied, the only people can use the well are the 20 - 25 homes in filing 2. If you can't have the acre feet of augmentation, you can't have the water. If BOCC and school district hold the trust - what can they build on that site? - the original deed listed it as purposes of school land - 15 apartments for teachers - if they vote it down - ok - instruct OSMCO to open all the negotiations to get reimbursed. A possible conflict of interest. He, as a homeowner, can not benefit any other way than to permit this to be approved.

Dana Chippanella - follow up on Jim's comments - has walked the land for a possible school. There is a spring that runs through it - the school board wants some money - apartments - Delaney buying it back. What's at stake is the homeowners - will go downhill unless they get a new sewer system. This is a good project - well planned and well thought out - a lot of contingencies - negotiation can go on to solve these other problems -- represents several others - they need this approval - build out and approved as originally intended.

Sherry Caloia - rebuttal - responded to Asterick - nothing says that water for wells 2,3,4 and Martin Reservoir is decreed. Sewer systems - the District is requesting that the OMSCO reserve the equivalent number of EQR's for a school with a capacity of 250 students or 15 to 20 multifamily dwelling units to meet School District housing needs for teachers. The school has tried to work this out with Delaney.

Commissioner Stowe - do they have the right to repurchase the land?

Sherry Caloia - finding a suitable replacement parcel of seven (7) acres at \$14,000 plus interest at 10% since 1980 - it would be hard to find a replacement parcel for that amount. It is specifically listed in all the filings that a total of 85. There is no controversy with 85.

Greg Beightel - the impression Sherry left with the Board is wrong - the water in the Four Mile Well is far superior - they want water from the lower well.

Harry Connely - supports comments neighbors in this approval. - 12 year resident. Filing 2 and School Board - seems like a conflict of interest.

Jim Asterick - Martin Reservoir - split up as Oak Meadows Filing 2 and the rest to OMSCO. These are the only people who can allocate the taps. They are duty bound as to what is required to donate what to whom. He's not aware of anyone wanting a tap - Martin storage rights and OMSCO - will be reduced - as it decreases they have augmentation to use it.

Diane Delaney and Davis Farrar - rebuttal - heard from folks living in Oak Meadows - offers sound solution in terms of fire flow, preservation for open space - the school district has done some study on land sites - an investigation for school site - soils - looked at landslides - site issues - knows what works and the BOCC needs to know these for a site that may not even work.

She directed remarks to school district demands - warranty deed to Redstone to school district. Exclusion of water rights - an agreement with Redstone and school district - this site was not considered to be a piece of land suitable for a school site. Redstone will pay \$14,000 - have offered double that and offered to work with the school district to find other water sources. No conveyance with the deed and lease agreement from Martin Reservoir - negotiated for 86 units and if reduced then the water is reduced in the water availability from the Four Mile Water - - no application for alternative uses - if school determines this is a site - can come to Oak Meadows and work on a suitable water supply. Best interest of all homeowners is the 86 units and address the school site at a later time.

Mr. Delaney added, pertaining to their responsibility - Bob Delaney represents several investors. It is a business judgment - the developers have options - need to meet the Health Department - under sanctions - a melt down of agreements -- where are we - we can say it is for a school - the realities of the things - school districts interests - ERQ's - for 250 students - no, they will pay for them and do they think they can get the BOCC in some program to hold this in capacity - no - it is understood - the county had determined that they had paid their dues at the time the agreements - were done. This is outside of this Board. If the BOCC holds this as a trust - the school district will have to convince the BOCC that this site is suitable. Adjudication processes - BOCC have adopted a master plan and the school has determined the plan for schools - nothing was made before this. If there's a melt down - or we can follow the statutes and come before the BOCC - then they can work for them. If an attempt to hold hostage to give up the taps - they can't do it. When the developer has paid his fair dues - there is a procedures of adjudication. The more suitable would be to allow the subdivision - if final approval - they'll have nothing - teacher housing - they do cooperate on school matters. Originally they developed housing for the miners in the area. If not permitted to do it, then so be it. They cannot exceed to their demands.

Commissioner Stowe - school board - in development plans - could put a well but not a storage for fire. Is that a possibility - but they also need the storage to run - if any well was drilled there would be augmentation.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

Executive Session

A motion was made by Commissioner McCown and seconded by Commissioner McCown to go into a brief executive session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Commissioner McCown made a motion to approve Filing #4 Oak Meadows for 85 total lots - include all the staff recommendations and conditions required by them to be included in his motion.

Commissioner Stowe seconded

Discussion

Commissioner McCown- 85 numbers - all information is 85 lots. 2 documents by 2 attorney's that contradict. School District given access - up to the BOCC to decide - who decides on the size of the school? Homeowners - coughing up \$15,000 each - this is all the same developer who put in the same system back

in the 70's - the homeowners and the developer - walking and be on their own - it is very awkward situation and he's not comfortable.

Commissioner Stowe - 85 lots - school stands on their own. The school has the right to develop their own system for sewer and water.

Commissioner McCown amended his motion to include the authorization by the Chair to sign a Resolution.

Commissioner Stowe agreed to amend his second.

Chairman Martin these conditions must be followed according to the engineers.

Motion carried.

AIRPORT ISSUES

a. Execution of Federal Grant Applications for Airport Improvements

Dale Hancock, Carolyn Dalghren and Kenny Maenpa were present.

The Federal Applications were reviewed - 2 federal grants - extension of partial Taxiway and the master plan.

To date - Ken stated proposals were solicited for the master plan. The Taxiway was put forth in December. The Senate has signed the airport appropriations bill for airport improvements for 2000. The budget - \$1,398,000.00 - proposed method with a 10% local match which will be a combination of Garfield County and State funds to help with matching on this federal grant.

Isbill Associates has been selected to do the master plan.

Ken asked for a motion for the Chair to act as the official authorizing the signing of the federal grant for the airport improvements and that Ken be named as the BOCC's representation.

Carolyn has reviewed.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the signing of the Chair for the federal grant application; includes the master plan.

Motion carried.

Adjourn - 6:45 P.M.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest

Chairman of the Board

MARCH 20, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 20, 2000 with Chairman John Chairman martin and Commissioners Larry Commissioner McCown and Commissioner stowe Commissioner stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Audit of Rates for Social Services

Ed presented:

Secure services of DMG on an annual basis to develop the rate structure for Social Services - 85% of dollars that go to Social Services are from the State and Federal sources, imperative that County has dependable rate structures - talked about doing this in-house, but this is not the year County can do that - DMG's rate has been \$4,500 the last two year - this year they ask for \$4,750 - recommended that Board approve the letter contract and that the Chairman be authorized to execute.

Commissioner stowe - made a motion the Chair be authorized to sign the letter with DMG-MAXIMUS, Inc. in the amount of \$4,750 for the year 2000; Larry seconded.

Discussion:

Larry - does that come out of Social Services budget?

Ed - no - comes out of BOCC because it's financial auditing.

Motion carried.

Update From Operations Coordinator

Dale Hancock presented reports:

Unitah County, Utah, Western Park Facility - visited to assess the flooring system for an indoor multipurpose facility similar in function to building being erected at the Garfield County Fairgrounds - operates as an enterprise fund but is subsidized.

Fair Managers Meeting at Jefferson County Fairgrounds informal gatherings of Colorado fairgrounds managers - Jefferson County recently developed and implemented master plan for their facility - meeting centered on master plans and how to best implement one.

Advocate Safehouse - Final Disbursement

Ed presented a draft letter for the Board to review - proposed that if sample was acceptable to Board that County translate that into County letterhead and send it on today - requesting quarterly disbursement of funds.

Commissioner Stowe - made a motion to authorize the Chair to sign a letter directed to the Division of Housing on Garfield County letterhead in support of the Advocate Safehouse Project; Commissioner McCown seconded; motion carried.

Telephone System

Dale Hancock submitted information regarding the digital phone system and a more user-friendly with U.S. West - Cost is currently \$3,102 month - reduced to \$2,496 per month - 6 months - should recover - Unitel addressed the management team - phone number retained - new prefix is 384 - hoping to keep the majority lines at the 945 prefix - this is a special promotional and no escalation in the 5 year plan.

Commissioner Stowe - motioned to authorize the Administrator to sign the contract with Unitel to go forward; Commissioner McCown seconded; motion carried.

Contract Awards - Airport

Ken Maenpa submitted the Contract Awards for the Airport

Slurry Seal of Parallel Taxi Way

Fog Seal and Marking of Main Runway

Some budget concerns - recommended doing at least #2 - bid was set up to award either/both schedule without penalties - Ed recommended only doing #2, said later on there may be more money in budget to do #1.

Commissioner McCown - made a motion to award the contract for \$44,676 to Asphalt Specialists for the Schedule #2 work; Commissioner Stowe seconded; motion carried.

Certificate of Occupancy - Corporate Aircraft Services (CAS) Hangar

Carolyn Dalghren and Ken Maenpa presented:

Situation:

CAS is ready to move into their building except for their fire sprinkler system - can be installed in two weeks.

Even if installation is complete, need new tank and new water system to assure water pressure.

Tank and water system to be installed later this year.

IGA anticipates the availability of water by September.

CAS requested approval to occupy from Fire District three weeks ago and assumed it would be in place

CAS has placed hangar storage agreements

Building and Planning can issue a temporary C.O., but not without concurrence from Fire District - must agree on adequacy of temporary fire safety measures

Recommendation:

Arrange an immediate meeting with Fire District, Building and Planning, and Airport Manager

Immediately coordinate agreed upon approach with BOCC

Commissioner McCown - said it was a good idea to get all concerned parties together and come up with alternatives because it wouldn't be fair to make CAS with a large investment have to wait until September to be able to park an airplane in their hangar - we need to come up with some type of alternative fire system.

Carolyn and Ken said they would be back to the Commissioners when they had more information.

Rifle Fire Protection District Ambulances Licenses

Dale Hancock - requested the Chair be authorized to sign County License #1 and #2 for the Rifle Fire Protection District for two new ambulances which were inspected last week as required.

Chairman Martin - asked for a motion to be authorized to sign the licenses.

Commissioner Stowe - so moved; Commissioner McCown seconded; motion carried.

PROPOSAL FOR LOCAL IMPROVEMENT DISTRICT

Larry Green and Bill Inverso were present:

Bill is the owner of the property, on Highway 82 south of Glenwood across from Holy Cross Electric, where there was major fire in August of 1999 - one structure, which contained his business, Architectural Furniture, Canyon Cleaners, and an employee housing apartment, and a separate structure, which was Bill's home, burned to the ground - since the fire Bill has been trying to put together a plan to rebuild his business and residential premises - major problem - there is inadequate fire protection - not enough water - Fire District has taken position that the property cannot be rebuilt absent meeting the present Uniform Fire Code Standards for Fire Flow - most likely solution to problem may be the formation of a Local Improvement District under the auspices of the County - County could issue financial bonds for the construction of a water tank in the area then the properties benefiting from the water tank and line would pay back the County by assessments - spoke with Don DeFord about this - BOCC has recent experience with this type of local improvement district for the streets in the Canyon Creek Estates Subdivision west of Glenwood

Springs - also spoke to Don DeFord and Ed Green about the proper approach to the Board for this type of thing - Don and Ed suggested approaching the BOCC informally to see if there are any huge red flags that come to mind about this type of proposal - two physical solutions to problem:

- put a waterline under Highway 82 and connect to the City's system - City's systems was brought out to Buffalo Valley and Holy Cross Facility - fairly close proximity

- construct a water storage tank - several wells out there - but inadequate storage for Fire Flow - tank would be about 180,000 gallons - existing wells would be source of supply

Property owners who would benefit are inclined to do the second alternative - cost is about the same - would better protect them then trying to hook on the City of Glenwood Springs - 13 properties would benefit - 11 of those, including Bill's, are presently improved - 10 properties are not adequately protected by Fire Flow - of those 9 are very interested in pursuing this approach with the County - statute requires that a district like this can be organized upon the petition of 50% of the property owners - 9 of 13 is over 50% threshold - water tank location would be on property owned by BFI which is on the northerly side of Red Canyon Gulch - potential problem might be impact on water tank with Red Canyon Road as it exists or may be changed in the future - total cost would be roughly \$370,000 - would work with County to spread cost over all of the properties benefiting over a terms of years that was acceptable and equitable to everybody - broad outline of project - 9 property owners ready to go forward with petition unless BOCC has serious objections.

Would engineering costs would fall to the County?

Larry G. - no - included in \$370,000 - Yancy Nichol from Sopris Engineering in Carbondale has done preliminary work, sizing the tank, coming up with a location, sizing the lines, etc.

Chairman Martin - does that include the cost of the bond and the sales of those bonds?

Larry G. - no - haven't sat down with any financial person to try to anticipate what the issuance cost would be.

Commissioner McCown - tank would probably have to include series of well sharing agreements - would be cleaner to connect into the City water if City is willing to allow connection.

Larry G. - property owners are not enthusiastic about potentially annexing to the City.

Commissioner McCown - and that would be one of the conditions - even for Fire Flow?

Larry G. - predicted that would be one of the conditions.

Commissioner McCown - couldn't the mains be accessed only by fire hydrants - existing water systems that each individual may have would remain as is.

Bill Inverso - meetings with property owners, some of the sale of this idea is that they would have domestic water - if it was strictly for fire protection, would lose half of the people.

Commissioner McCown - this would be a potable water district - chlorinated - would serve both domestic and fire protection.

Bill Inverso - tank would first be filled professionally - said his well alone would keep the tank full - just that one well.

Commissioner McCown - told Bill he would probably have to go back to the Water Court to change the use of his well.

Larry G. - have not yet looked at the water rights implications of project - another aspect that would have to be considered.

Commissioner McCown - has no problem with the concept - understood the reluctance of landowners to be annexed - but makes more sense to connect to the City water - favored the bore under the highway if it could be worked out without any annexation.

Larry G. - may not be enough pressure trying to come out from the City - water tank would clearly deliver the pressure - Yancy located spot for tank at elevation consistent with the other tanks in the City - would enable future interconnection.

Commissioners agreed they did not have any problems with concept.

COMMISSIONER REPORT

Commissioner McCown & Chairman martin - spent last Tuesday in Denver at the Oil & Gas Hearings for Barrett Resources - they were permitted their 20 acre spacing - public meeting to be held in June (6-7) - Garfield County will respond at that time on the health, safety, and welfare issues.

Commissioner stowe - Tuesday - at Upper Valley Mayors Meeting in Carbondale - discussions centered around Garfield County's recent decision to be more involved with the RTA and how that would affect each of the municipalities and the adjoining counties.

Friday - interviewed potential contractors for the jail award - will discuss this afternoon at 3:30

Wednesday a.m. RTA meeting

Thursday a.m. Personnel meeting

Friday - Rural Resort

Down Valley Mayor Meeting 7:30 Thursday here in Glenwood

Commissioner McCown - Wednesday 7:00 a.m. breakfast P & Z 3/22/00 - jail & sphere of influence

Chairman martin - United Way at 4:00 on Tuesday at office in Rifle

Understood Energy Impact Grant Awards took place last Thursday on Communications Authority - \$600,000 - majority funding.

Friday was the Road & Bridge picnic - good exchange of information

Growth Bill 1223 is dead - Russ George's Revenue Sharing Bill is still alive

Commissioner McCown - the enormity of the grant, \$780,000, was a concern - after point was made that grant served 16 different user agencies, it really wasn't a large request - don't expect full amount.

Contract Awards

Ed presented:

Notice of award for the Fog Seal & Pavement Markings for signature by the Chairman, recommended execution of the agreement.

Commissioner McCown - moved the Chair be authorized to sign; Commissioner stowe seconded; motion carried.

Revised Scope of Work for the Energy Impact Grant - waive procurement policies - recommended signing agreement - County Attorney's comments resolved.

Commissioner McCown - moved the Chair be authorized to sign the letter with the Department of Local Affairs regarding scope of work on the Jail regarding the grant; Commissioner stowe seconded; motion carried.

Appoint Members to the Criminal Justice Services Board

Al Maggard presented:

Interim steering committee - met ad hoc last week - came up with proposed letter - 30 citizens have submitted their names - members of temporary board understand it is a temporary board.

Commissioner McCown - made a motion that the list of names presented last week be determined an interim committee and would be in effect no later than April 30 until which time a formal Criminal Justice Services Board would be appointed; Commissioner stowe seconded; motion carried.

Commissioner McCown - made a motion for Chair to be authorized to sign the letter that is going out to all of the various police chiefs, judges, mayors, etc.; Commissioner stowe seconded; motion carried.

Interim Committee members: Renee Brown, Tom Dalessandri, Ed Green, Jan Kaufman, Bob Ketchum, Al Maggard, Doyle McGinley, Guy Meyer, Terry Norris, Colleen Truden, and Bill Evans.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Public Hearing: Abatement - North American Resources Company

Shannon - from 1997, North American didn't take allowable deductions for the net back - \$2,700 - Shawn is taking a class in this since it has become so complex.

Commissioner McCown - made a motion to approve the abatement to North American Resources Company in the amount of \$2,692.34 and authorize the Chair to sign; Commissioner stowe seconded; motion carried.

Riding Arena Options

Randy Withee - submitted a memo on the update stating that there is \$67,000 remaining in the original budget - the road should be completed within the week as it is 85-90% complete - site grading, wash rack, ramps in and out - one culvert and complete the grading inside - installing the doors, fire system, electrical, drainage on the north side, mechanical, ventilation, intercom system, and miscellaneous items - for a total cost to be expended as \$33,000 out of capital to subsidize the \$67,000 remaining.

Larry - low level of comfort with way barn is setting down in the ground - thought foundation had been done wrong - thought barn was going to be north/south now it's east/west - afraid that water will run from parking lot into the barn.

Randy - talked with Gould about drainage - divert it to the west end.

Larry - site grading plan had been done before barn location was changed.

Randy - recommended employing an architect to work with Toni Penton and Pat McCarty to determine the cost of completing the office area.

Commissioners stated they would need to hold off the office area for this year - grants for smaller projects - fire system, back doors, and electrical must be done - work with Road & Bridge on drainage.

Randy - fill material for riding arena - 1,300 yards - 2,000 yards - \$30,000 - RMH is looking at fire system in regards to what we need.

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS:

PUBLIC HEARING FOR REVISION OF THE PRELIMINARY PLAN FOR ASPEN EQUESTRIAN ESTATES. LOCATED: NEAR THE INTERSECTION OF COUNTY ROAD 100 AND HWY. 82, 3 MILES EAST OF CARBONDALE. APPLICANT: ASPEN EQUESTRIAN ESTATES, LLC.

Jim Leuthueser, Kit Lyon, and Ron Liston (Land Design Partnership) representing applicant, were present.

Ron Liston - could not deliver appropriate Public Notice - asked for rescheduling to April 10.

Commissioner McCown - made a motion to reschedule the Public Hearing for Request for Revision of the Preliminary Plan to April 10, 2000 at 2:00 p.m.; Commissioner Stowe seconded; motion carried.

REQUEST FOR APPROVAL OF THE PLANNED UNIT DEVELOPMENT TEXT AMENDMENT FOR PRESHANA FARMS. LOCATED: NEAR THE INTERSECTION OF COUNTY ROAD 100 AND HWY. 82, 3 MILES EAST OF CARBONDALE NEAR CATHERINE'S STORE. APPLICANT: ASPEN EQUESTRIAN ESTATES, LLC.

Jim Leuthueser, Kit Lyon and Ron Liston were present.

Jim reviewed the notification, stated it was adequate, and advised the Commissioners they were entitled to proceed.

Kit Lyon submitted the following Exhibits:

Exhibit A - Proof of Publication

Exhibit B - Garfield County Zoning Resolution

Exhibit C - Fabrication materials

Exhibit D - Staff Memo dated March 15 with attachments

Chairman Martin admitted Exhibits A-D into the record.

Kit - explained the request from Aspen Equestrian Estates, LLC. to amend the text of the Preshana Farms Planned Unit Development. Pursuant to section 10.04, the Board of County Commissioners referred this application to the Planning Commission for review and recommendation.

The Planning Commission concurs with the applicant's position that "the proposed prairie style architectural theme is beneficial through the promotion of lower profile structures;" and does not foresee any negative impacts from approval of the request to allow roof eaves to project thirty-six (36") inches into any required yard in the R/20 and R/10 zone districts.

On March 8, 2000, the Planning Commission recommended approval of the application by the with the following condition:

That all representations made by the applicant in the application, and at the public meeting before the Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Planned Use Development text amendment for Preshana Farms allowing them to extend their eaves to thirty-six (36) inches as opposed to eighteen (18) as discussed; motion carried.

REQUEST FOR APPROVAL OF THE SERVICE PLAN FOR ROSE RANCH METRO DISTRICT. LOCATED: APPROXIMATELY 3.5 MILES SOUTH OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 109. APPLICANT: ROSE RANCH

Kit Lyon, Jim Leuthueser, Jeff Laurien, Mary Jo Dougherty (McGeady, Sisneros), Ron Heggemeier, and Tim Thulson for Rose Ranch PUD were present.

Jim - reviewed the notification saying it was more detailed than the regular notification - determined each section was adequate, and advised the Commissioners the applicant was entitled to proceed.

Chairman Martin swore in the speakers.

Jeff Laurien submitted the following Exhibits:

Exhibit A - Noticing Requirements as reviewed by Jim

Exhibit B - Service Plan for Rose Ranch Metropolitan District dated March 20, 2000

Exhibit C - Staff Report and Attachments

Exhibit D - Operation of Maintenance Expenses for the District - clarification for the Planning and Attorney's Offices.

Chairman Martin admitted Exhibits A-D into the record.

Jeff presented the proposal:

The applicant is proposing the formation of a Service District to serve a portion of the approved Rose Ranch PUD. This includes 292 single-family residential attached and detached units with an estimated population of 730, but does not include the 30 affordable housing units included in the approved Rose Ranch PUD. The 30 affordable housing units are not to be included in the District to avoid the increased costs to the affordable units which would result, should they be included. The District is proposed to include parks and recreational facilities, within and without the boundaries of the district; street improvements, both on-site and off-site; a complete potable and non-potable local water supply, storage, transmission, and distribution system; and, a complete local sanitary sewage collection and transmission system.

The Project Information and Staff Comments were summarized and the written report submitted.

Recommendation:

The Planning Commission recommended **APPROVAL** of the District with the following conditions:

The Service Plan must be amended so that all facilities/improvements not dedicated to the RFWSD will be expressly dedicated to the proposed District and not the Homeowners Association.

Further, the administrative costs within the Service Plan must be amended to reflect the cost of these improvements being dedicated to the District.

The Subdivision Improvements Agreement which is part of the Rose Ranch PUD must be amended to dedicate all facilities/improvements not dedicated to the RFWSD to the proposed District.

The Service Plan must be amended so that the proposed maximum mill levy of 50 mills cannot be raised above 50 mills without the approval of the Garfield County Board of Commissioners.

The Service Plan must be amended to reflect any changes recommended by the Bond Council for the County.

The Final Plat and accompanying documents including but not limited to the "Roaring Fork Water and Sanitation District Roaring Fork Investments, LLC Pre-Inclusion Agreement" of the Rose Ranch PUD must be recorded before approval of this District.

Since the Planning Commission meeting, the applicant has amended the Service Plan to address all of these conditions. Thus, all of the conditions of the Planning Commission approval have been satisfied.

Staff Recommendation:

Staff recommends **APPROVAL** of the Service Plan for Rose Ranch Metropolitan District with no attached conditions.

Tim Thulson - identified Mary Jo Dougherty, from law firm McGeedy Sisneros, who had primary role in drafting the Service Plan and Ron Heggemeier, manager of Roaring Fork Investments, LLC - believe staff has adequately analyzed plan.

Chairman Martin - asked about service to 30 affordable units - will service still be provided?

Tim T. - need to distinguish the systems being discussed - primarily roads, bike paths and other infrastructures - clubhouse apartments will be served by the Roaring Fork Water and Sanitation District - the District will have to maintain the roads and the houses have the right to use the roads - only reason the 30 affordable units were excluded was we wanted to simplify the definition of affordability.

Mary Jo D. - they won't be subject to the District's mill levy - will make the project more affordable.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Service Plan for Rose Ranch Metro District with staff recommendations as noted which follow the Planning Commissions' recommendations; Commissioner McCown seconded.

Discussion:

Jeff - there is a resolution for the Chairman to sign - Don DeFord has reviewed.

Commissioner Stowe - will include in motion to authorize the Chair to sign said resolution; Commissioner McCown seconded; motion carried.

REQUEST TO REFER SUNLIGHT VIEW PLANNED UNIT DEVELOPMENT AND PRELIMINARY PLAN TO THE PLANNING COMMISSION FOR A RECOMMENDATION AND TO DETERMINE THAT THE APPLICATION IS COMPLETE.

Jim Laurien, Jim Leuthueser, Bill and Charlotte Zilm were present.

The William M. Zilm Family, LLLP, submitted the Sunlight View II PUD and Preliminary Plan application to the County Planning Department in late February. Staff has reviewed the application and determined that it is complete and that the County can initiate the 120 day review period.

Recommended Action:

The Board accept the Sunlight View II PUD and Preliminary Plan application as being complete and refer it to the Planning Commission for a recommendation as required by the Garfield County Zoning Resolution and Subdivision Regulations.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to refer this to the Planning Commission for recommendation; carried.

CONSENT AGENDA

- a. Approve Bills
- b. Approve Liquor License: Parachute City Market
- c. Approve Liquor License: Battlement Mesa Management Company - Fairway Cafe
- d. Approve Request for Time Extension to Meet conditions of Approval: Bernklau Exemption

- e. Sign Bernklau Exemption Plat
- f. Sign Resolution of Approval and Subdivision Exemption Plat: David and Anna Johnson

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda as presented; carried.

REGULAR AGENDA

Commissioner Stowe - had a request from Steve Smith to be part of citizens' representation for Garfield County on the RTA - supposed to be two citizen advocates - John Latsch and Steve Smith have both expressed an interest - both have attended the meetings.
Commissioner McCown - said he'd like to see more than two.

Chairman Martin - another item, from City of Glenwood Springs, Planning and Zoning Review - on 711 Grand Avenue - Colorado Regional Mental Health Center wish to make it a criminal justice facility in the downtown area - there's always been zoning issue - Mark Bean has information - waiting for direction - a locked facility for Detox.

Commissioner Stowe - no objection to it - a letter to that affect would be okay.

Chairman Martin - it's the only facility in the County used for detoxification.

Commissioner McCown - the City has been fighting it.

Chairman Martin - it's an application to change the use of the building - only a review process.

Commissioner McCown - send a letter saying we have no problem with it.

Commissioner Stowe - made a motion Chair be authorized to sign said letter; Commissioner McCown seconded; motion carried.

Chairman Martin - another item - also received a letter from Nancy Frizell, Trauma Coordinator for the Regional Emergency Medical and Trauma Advisory Council (RETAC) for a request of support on the area's RETAC - wants to make sure BOCC is supporting their efforts - sent an example letter she'd like Garfield County to send to the director of St. Mary's Hospital in Grand Junction.

Commissioner McCown - made a motion the Chair be authorized to sign a letter indicating BOCC support of the Regional Emergency Medical and Trauma Advisory Council grant application; Commissioner Stowe seconded; motion carried.

Mildred Alsdorf - submitted County Survey draft.

Commissioner McCown - commented that it was generic and the information would be very useful.

BOARD OF HEALTH

Mary Meisner and Lisa Pavlisick were present.

Chairman Martin - said that they would remain Board of County Commissioners unless Mary had actions to be taken - she didn't - updates only.

Nurses

Mary Meisner - handed out a packet of information for the Board to review. This includes a new Organization Chart; a staff survey and an agency survey with responses; and the Immunization Program Mission Statement 2000. Mary asked each department to develop a Mission Statement and a Plan.

Ed - suggested that Mary share this survey with the EPCI Committee.

Mary - stated they are still working on a computerized program statewide. This would link public health, clinics, schools, and individual providers together.

The Miles for Smiles van is in Glenwood and will be in Rifle in two weeks.

The Community Health Center is moving forwards. They are looking at a capital investment in the Netherlands.

Four Rivers TB Task Force - Sandra Barnett and Laurel Little taking the lead. March 14, 2000 is World Wide TB Day. One of the objectives is to train local physicians on treatment for TB. Hispanic Community, Colorado West Mental Health and Jail Health need to be involved.

Healthy Beginnings

Lisa gave the updates for Healthy Beginnings.

65 enrolled this year. Kiwanis agreed to form a partnership with them to provide car seats - 80 is the goal. Deliveries - 46 since January 1 - no low birth, 1 at 36 weeks; 5 C-Sections.

115 Active prenatal patients.

Rifle - the midwives approved the expansion to the clinic in May. The staff has reviewed the location for intakes.

The prenatal Medicaid services for illegal aliens passed the appropriations committee with a pilot program in Denver. The goal would be to save pre-term, low birth babies.

Rocky Mountain HMO used to do Medicaid management but stopped about 2-3 years ago, now Colorado Access, which is very involved with community health centers, is looking at expansion onto the Western Slope by next Fall.

Dinner Dance and Auction - April 29, 2000. Lisa submitted draft brochure. Alpine Bank has agreed to be a partner with Healthy Beginnings. \$3,900 will be the minimum bid for the bronze statue.

HUMAN SERVICES COMMISSION

Lisa Pavlisick and Michael Lucid, Executive Director of Colorado West Regional Mental Health Center, were present.

Michael Lucid presented a handout.

There is a specific opportunity presenting itself.

Local Advisory Council (for Colorado West) - a regional group from the 10 county regional area - 2 seats from Garfield County on that board (Emmett Zerr).

Medicaid Health Insurance Plan in Colorado health care plan for indigents.

In 1990s the Mental Health Services began to lobby for a section to approach this need.

Michael elaborated on these benefits in managed care. West Slope Options manages the program. After 4 years the State is going to put out a competitive bid process and award bid in the Fall, 2000. Colorado West uses Value Options.

The opportunity is to organize partnerships with the 21 Counties in this area. Michael stated they think it is a great plan. This will strengthen their position. This is an opportunity to coordinate services between Social Services Department, etc.

A number of County Commissioners have indicated an interest to participate as well as Social Services and Mental Health agencies.

Michael Lucid asked the Board to consider being involved in process.

Literary Outreach

Martha, Director of Literacy Outreach.

She thanked the Commissioners for the library improvements. They train volunteers to tutor others in individual programs. The laws were expanded in 1991 to include an ability to communicate in English. She thinks that technology will soon be added. Most of these individuals they assist are at a first-grade level. They only serve Garfield County. There is a current waiting list of 24 for the program. Funding is needed. Cut from 4 to 3 sessions for training volunteers. There are 1.5 FTE. They served 19 students last year. Since 1988, over 23,000 hours of volunteer time. The maximum was 120 students and they expect an enrollment of 90 per year.

They are at 35% - Reading and Math and, 65% ESL.

Referrals are from Colorado Mountain College Learning Lab from students wanting to obtain their GED.

Cottonwood, Apple Tree, and Spring Valley - Auburn Ridge Apartments.
They see a lot of success in what they do.
Martha provided some success stories.

The reasons they don't learn to read is very different for each one. For some reason they have a disability. 73 types of dyslexia; abuse; and if they don't get it by 3rd grade, they will not get reading instruction in 4th, 5th, 6th, etc., grades.
Every adult student who has been successful has had one person - a mentor, a tutor who stopped and helped them.
Intervention for the child is essential K-3 especially.

Funding is from the County, direct mail, spelling bee contest and United Way. She submitted a graph showing the breakdown. This is completely locally funded. Colorado is the only state that doesn't support adult education.

44 new volunteers were trained to assist in the Adult Literacy Program. Volunteer training is \$1,000 and \$1,000 for the staff --most of this is for materials and food for the participants. The target student is adults.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; motion carried.

SOCIAL SERVICES

Commissioner McCown - moved to come out of Social Services; Commissioner Stowe seconded; motion carried.

SELECTION AND AWARD: GENERAL CONTRACTOR FOR GARFIELD COUNTY DETENTION CENTER.

Tim Arnett and Randy Withee were present.

A report was presented.

Asked last Monday to form a committee: Ed, Tim, Bob Johnson, Randy and Commissioner Stowe to meet with several different construction companies to see if they were interested in bidding on the new County Jail - met last Friday - interviewed all 5 companies - evaluated.

All companies were eager and excited, all were qualified to do the jail - out of the 5 they have 2 companies as the top two;

Haselden located out of Englewood - showed highlights of Haselden presentation - \$1.4 million to do project - had best combined general conditions of all 5 companies - the proposal given by GE Johnson had some stipulations to the general terms and conditions - Haselden had no exceptions - Haselden has done several detention centers in the past - had a presence in the Garfield County area constructing schools for Roaring Fork - part of the team lives here - project superintendent lives here - project manager will be here in Glenwood - will also put a part-time engineer on the job - also have done several jobs on the Western Slope - have worked with local subs in the area. Construction 15-16 months; general conditions 15 months, anything over 15 months will be absorbed by the company. Committed to reach the \$12.9 million budget - ID machine required for CBI, badges, no cost - if they are chosen for job can provide lump sum price to County in 2-3 weeks at no cost to the County - a support staff when needed - of subs, Permanent Builders, Stress Con, and Sierra Steel, Haselden has worked with first two - start date May 4, 2000 and finish August 22, 2001 - notice to proceed would be given May 4 - if they run over, absorbing of costs does not include housing prisoners, just general conditions - would use local contractors within Garfield County.

Norris - represented fees (fee, bonds/insurance, general conditions) at \$1.476 million [Haselden - fees at \$1.417 million] Norris working in local area - working at Aspen Glen - have local team here - team members have detention center project experience - would commit to full-time project manager and project superintendent. - would also provide a lump sum price in two weeks at no cost to the County - also stated they would be committed to reach the \$12.9 million budget - their schedule was 18 months - have worked with Permanent Builders and Stress Con - have a lot of Western Slope

experience - Ed Green added that Norris established a fund fixed fee of \$600,000 which is for relevant range; if the job cost comes in at or below \$13.5 million, the \$600,00 holds; if it goes over \$13.5 million, then Norris would ask for an adjustment - Norris represented they could start today - March 20, 2000 and complete October 26, 2001.

Companies that were interviewed were:

Haselden, Englewood, CO
Colorado First Construction Company, Grand Junction, CO
Alliance Construction Solutions, Fort Collins, CO
Shaw Construction, Grand Junction, CO
Norris & Associates, Glenwood Springs, CO

Committee - recommended negotiating with Haselden based on the criteria presented - strength of their management team.

Dale - sheriff is paying \$55-60/day to house prisoners - costs \$300,000 a year plus \$60,000 for transportation, to house prisoners out of Glenwood.

Chairman Martin - favored Norris because they would employ local people which would keep funds circulating in our own communities - also important to keep local companies going.

Ed Green - received a better comfort level from Haselden that it would be \$12.9 million.
Commissioner McCown - made a motion to move forward with Haselden Construction for negotiation purposes on the construction of the Garfield County Detention Center; Commissioner Stowe seconded.
Discussion.

Chairman Martin - if Haselden cannot make the \$12.9 million, what do we do with the project - reevaluation? Or would Norris be approachable under that circumstance?

Commissioner McCown - County would need to look at the scope of the project - if two contractors can't reach that number then the number may need to be reevaluated - recommended Haselden because of the depth in company for resources on project manager, superintendent, engineers, fees, and schedule.

Commissioner Stowe - would like to go with local contractor, agreed with Larry on this issue - called for the question.

Chairman Martin - felt companies were evenly balanced - Haselden is just larger - thinks Norris is on the way up - called for the question; all in favor of recommending Haselden.

Vote:

Commissioner McCown - aye

Commissioner Stowe - aye

Chairman Martin - no

Motion carried.

Chairman Martin - Letter of support for RETAC - have already had authorization to send that.

Ed Green - schedule conflict - CCI Summer Conference is June 12-15 - same time as Garfield County summer picnic.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest

Chairman of the Board

APRIL 3, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 3, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR UPDATE

Ed Green and Jesse Smith were present.

Employee of Month - Shirley Boulton

Present were: Jan Burns, Peggy Piffer, Georgia Chamberlain.

DOW Impact Grant Execution

Ed Green presented the Impact Assistance Grants to County -- Tax Year 1999. The total acres included in the application - 13,271.28 and the total amount requested is \$8,829.51.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Board to sign the executed Impact Assistance Grant Application; carried.

Request for authorization to execute MODS to FAA Contract

Carolyn Dalghren, Ken Maenpa explained the need for change orders if needed for the improvements at the Airport. It will be a 90 - 10 split with a maximum of \$1000 without the full board reviewing.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign change orders necessary for completion of improvements at the Garfield County Airport not to exceed \$1000 without bringing these before the full board for review; carried.

Human Resource Policy Manual Changes

Phyllis Lundy presented the changes to the Personnel Policy regarding:

1. *Section 1.01 Personnel Committee* - quorum is changed from four of the five voting members to three of the five voting members.
2. *Section 2.07 Employment Hire and Anniversary Date* - allows that if an employee discontinues employment with the County but returns to employment within one year the original start date will be considered the date of hire for personal days off and major sick leave accrual.
3. *Section 3.05.2 Emergency Pay* - added another paragraph that applies to regular working hours - what should happen if an emergency is called and people cannot reach their usual place of work - provisions are made for what will happen in that kind of a situation.
4. *Section 4.03 Retirement Plan* - current policy manual says that employees contribute and the County contributes 3% - that's been changed to 3.5% based on the decision made during budget time.
5. *Section 4.08 Personal Days Off Program* - changed the wording to make it easier to understand and also to comply with the way our new accounting system records the Personal Days Off Program - changed "days accrued" to "hours accrued." - the second part of Personal Days Off Program, employees who have been here for quite some time are at their maximum accrual, already accrued as many days as they are allowed to accrue - the situation they've been in is that they were in a use it or lose it situation every single month - they had to take at least one day off or lose it - now they can accrue those days

during the year and will only lose them if they haven't used them up by the end of the year - based on calendar year.

6. *Section 4.09 Major Sick Leave Program* - employees still accrue 12 days a year, but now it's been written in the hour equivalent as well as the day equivalent - major sick leave can now also be used if the department head or elected official sends the person home for being sick.

All these changes were passed by the Personnel Committee and are now before the BOCC for final approval.

Commissioner Stowe - made a motion to approve the Policy and Procedure Manual changes as recommended by the Personnel Committee; Commissioner McCown seconded; motion carried.

Execution of Norwest Bank Agreement

Ed Green - said this was not on agenda - a couple of weeks ago discussed the prospect of executing that subject to review by Don DeFord - Don has reviewed it and has no problem with it - recommended that the Chair be authorized to sign.

Commission Stowe - so moved; Commissioner McCown seconded; motion carried.

Approval of Job Reclassification/Job Classification - Phyllis Lundy presented - 2/23/00

1. *Facilities Maintenance Technician at the Fairgrounds* - needed to be classified because County has never had a full-time position there - always been part-time - had never really been classified - Job Classification Committee reviewed it, presented it to the Personnel Committee and it was approved.
2. *Chief Deputy Treasurer and Public Trustee* - reclassified due to that position having a supervisory capacity.
3. *GIS Analyst* - was also reclassified again to that position not being a formal supervisory position but having more training responsibilities now that the County is doing the GPS with Road & Bridge.

Commissioner McCown - made a motion to approve the newly classified positions as presented in Phyllis' handout, Fairgrounds Maintenance Tech., Chief Deputy Treasurer and Public Trustee, and GIS Analyst; Commissioner Stowe seconded; motion carried.

Designated Smoking Areas Around Court House

Ed mentioned the need for a specified smoking area in order to prevent a large group of individuals smoking just outside the east and south entrances.

Phyllis Lundy proposed that the west door would be most appropriate.

Commissioner Stowe moved to approve the designated smoking areas as: the west entrance or 30 feet from the courthouse anywhere. Commissioner McCown seconded; carried.

Revised Mileage Rate

Ed submitted a mileage rate increase to compensate employees who use their own cars for county business to the IRS rate of \$.32.5 per mile effective April 1, 2000. He stated that the motor pool rate is set at \$.35 per mile that includes replacement of vehicles.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to raise the mileage rate to correlate with the IRS rate whatever that current rate is; carried.

Year 2000 Objectives April Update - Ed presented:

Most of the items are progressing on schedule - however there are three that are troublesome - we talked about two of them last time, the Henry Building Office - waiting for Chuck Brenner to provide a design County can use to assess how to go forward - Riding Arena - will talk to Randy and Janice - Conversion of Fixed Assets; all the assets are in the computer, but we need to go through and make sure whether all should remain in the computer system - go out and actually physically inventory them - do not have the resources to accomplish this task this year - Jesse is going to look at this over the next couple of weeks to see if he can come up with an alternate. Safety Council Initiative - has been completed - all members meeting once a month to develop a comprehensive safety program.

Road and Bridge 2000 Project Schedule

Tom Russell presented the summer schedule for 2000 that includes: ditch cleaning/culvert & repair, patching, magnesium chloride, gravel, and crack seal/chip seal/seal coat. Discussion was held.

Commissioner McCown suggested gravel be included for Mamm Creek, as well as counters to monitor the traffic. Mamm Creek was to be included instead of West Rifle. Commissioner Stowe said CR 342 is scheduled for ditch cleaning, culvert extension and repair, but there's no gravel scheduled for that road - he received a call from a woman who said she is bottoming out as she goes up that road to her house.

AE Contract for Mechanical/Electrical Design for the Riding Arena
Janice Loucks and Randy Withee presented the contract.

Randy - we're here to talk about the riding arena - before the mechanical and electrical part is the arena itself, the erection of the building is basically complete - touchup minor work required - Gould needs to finish up their work.

On mechanical/electrical - earlier when the design phase started on the riding arena, the County employed the services of RMH Group out of Denver to provide some initial mechanical and electrical services in order to get the waterline sized and get started on it - it was put on hold and there was no contract with them to do the work - we're trying to clean up loose ends - continue on and get released for contract with RMH Group to finish up their work, which would be technical specifications for the ventilation, electrical and sprinkler system for the riding arena and then we can go out and get pricing - some items on AIA document with RMH caused concern for Don DeFord.

Don - RMH Group has agreed to execute our standard form of agreement for engineering services with the release to contract - however there were a few items that they raised that need to be brought to the attention of the Commissioners, assuming you want to discuss this in a public session - not very lengthy:

1) time of performance - asked for deletion of standard language concerning time of the essence which makes a time for performance an essential part of the contract in cause for breach; we need to recognize that this project is a little bit unusual in terms of the scope the County normally requires - there are some unknowns that have given RMH a little bit of a pause to commit to a specific time frame - told Randy that as long as the Board agreed to delete this provision, had no problem with that - just be advised that in terms of time for performance the County will be relying in RMH's professional expertise and their ability to proceed in a professional manner, but the County will not have a fixed time for performance in this agreement;

2) in terms of the release to contract itself, the County has included their language on the scope of services that delineates the specific areas for which they'll be providing design - there was no fixed cost for their services - at this point we have a ceiling limit of \$8,000 - there is no project budget within which they are working - normally a budget is established for a project and RMH would attempt to provide design services within that - this is unique;

3) RMH has put in a limitation on liability provision - normally the County does not agree to any limitation on liability with professionals - these are usually structured so that they limit their liability to the amount of the contract - in this case RMH has agreed to raise their limitation of liability to \$500,000 - thought at that amount the Board would be agreeable to a limitation of liability - suspects that's slightly less than the value of structure itself - it's substantially more than most professionals usually put in their agreements.

These were the only glitches in terms of the County's standard form of agreement - if the Board is willing to accept those - we can go forward with the document - if not, we'll have to negotiate further with RMH Group.

Walt - given the limited scope of work RMH Group has done to date, is there anything to prevent us from getting somebody local to do the work?

Randy - there probably isn't - but they already provided some work prior to this.

Ed - are there many mechanical/electrical firms in the area?

Randy - MKK in Grand Junction could do it.

Walt - bothersome to not have a time element involved their contract - and their reluctance to sign one - they could perpetually draw this thing out and the County would have no recourse.

Randy - talked to one individual at RMH who said this work could be done in two to three weeks.

Larry - that's fine - but if he doesn't, we have no recourse according to the terms of their contract.

Don - is it the sense of the Board that you'd like Randy and me to talk to them again on that one issue.
Walt and John agreed with Larry - we need a finish point - not fair for anyone to have an open-ended contract on time.

Larry - a lot of things have happened down there that were surprises - are we sizing the gas service for future heat in that building?

Randy - that's something we need to bring to the Board - this was only to provide heat for the sprinkler system - not the adjacent offices.

Commissioners - the Board would be remiss if the line isn't sized at least for the heat of the office space that's there - need to look at whether the whole arena might be heated - at least set a cost comparison - would probably be some type of radiant heat for the arena should it ever be heated which is long term down the road.

Chairman Martin - looks like you're going to be negotiating again - any other concerns about the items brought up by Mr. DeFord?

Larry - just the one on the time.

Ed - we'll try and get back with you later today.

Randy - an update on the sewer line - work starting today at the airport - schedule shows completion date of June 1st for whole sewer line - waterline issue, City is in negotiation with American Atlas on the size of the water tank - American Atlas chose not to participate, so size of water tank has gone from 1,000,000 gallons to 600,000 gallons - the 600,000 gallon tank takes care of everybody - if there's a problem, American Atlas will be limited on their amount of gallons per minute they'll get - there's a piece of equipment that will restrict American Atlas' use of water so everybody else doesn't suffer - the American Atlas group here in Rifle wanted to participate, but their home office didn't.

Commissioner McCown - made a motion that Chair be authorized to sign a contract with Sheppard Trucking for the removal of the white material at the Garfield County Landfill; Commissioner Stowe seconded; motion carried.

Update on Sanitarian / Home Economist Position

Ed presented the following update on this position: The Food Stamp Nutrition Education Agent would be 1/2 FTE via Federal Funding; the Sanitarian would be state-funded based on payment of schedule of license fees (\$110 - \$330 per inspection); and the Family and Consumer Science portion of the position must be funded by the County.

CSU doesn't believe that one person can do all three jobs.

They recommend merging food stamp agent and Sanitarian.

Extension Office interest is in the Home Economist.

Pat McCarthy willing to pursue the food stamp agent grant request in our behalf.

Need to know if we can get it before we proceed.

Need to know if it can fund any indirects and benefits.

Once the state and federally funded function are in place, then consider an additional part-time position in 2001 to do the Home Economist part of the work scope.

Resolution Regarding Mineral Lease Allocations

Jesse Smith presented - resubmitting to the State for distribution of Federal Mineral Lease revenue income to the County - based on student count - 25% goes to the schools.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the letter to Mr. Coffman notifying the State to have 25% of the Mineral Leasing Funds distributed to the school districts within the Garfield County boundaries; carried.

Veteran's Service officer

Dale Hancock presented:

1) Agreement for the Veterans' Services Officer for the Year 2000 - Garfield shares with Pitkin County - security needed was that the dollars were correct - received a CPI \$4,159 contribution for that from Pitkin County - asked that the Chair be authorized to sign the Veterans' Services Officer Agreement for the Year 2000.

McCown - so moved; Stowe seconded.

Discussion: Joe Carpenter, Sr. is leaving - moving to Grand Junction - last day is April 13.

Motion carried.

2) Request for additional funds for the County subsidy program for Emergency Medical Services - each year counties submit an EMS Operating Plan, allows County to participate in a 100% grant that funds the EMS council in terms of training, ambulance licensing, etc. - four counties chose not to participate in assembling the plans last year, as a result of that, we're eligible to receive at least another \$1,023 - needs a signature from the Chair which would allow Garfield County to collect the additional funds; requires no additional work.

Stowe - so moved; McCown seconded; carried.

COUNTY ATTORNEY UPDATE

Don DeFord, Mark Bean, Diane Delaney

Consideration of a Resolution of Approval: Oak Meadows Ranch Planned Unit Development Filing for Areas 1,3,6, & 7 and Greenbelt Preliminary Plan.

Don - Mark Bean has prepared the substance of a resolution for the Board's consideration on the Oak Meadows Preliminary Plan Approval - it's our belief that this simply confirms the findings made public two weeks ago.

Mark Bean - reviewed language clarification comments received from Diane Delaney - suggested putting in the language "Filing 4, Areas I, III, VI, & VII" - all of this applies strictly to that area, so if there's a need in the process of changing covenants to clarify, not a problem - this language needs to be incorporated in the covenants or on the plats - did not change a couple of area where Ms. Delaney requested changes - #6 related to geologic areas themselves: State geologist has suggested the use or analysis based on various types of monitoring occurring from wells inclinometers and pesameters used by the engineers - Phasing Plan: final plat should be submitted within one year of the preliminary plan approval - includes language that development of less than 100 lots may be phased over five years implying that they do not have to develop the entire platting within one year - may be phased over five years - kept five years in terms of that language - beyond that, the resolution in front of you is virtually identical to the one that was presented to you in your packet.

Diane Delaney - our comments were essentially for purposes of clarification - have one minor one - #5 insertion of the word "where" - "where the common wall construction is not consistent with the survey

Mark - no problem with that.

McCown - moved the Chair be authorized to sign the Resolution with said changes noted concerned with the approval of Preliminary Plan for Oak Meadows Ranch PUD Filing 4, Area 1,3,6,& 7 and Greenbelt Subdivision; Stowe seconded; motion carried.

Release #3: Corporate Aircraft Services Letter of Credit Alpine Bank Rifle

Jay Rickstrew, Alpine Bank - requested a release from the letter of credit for \$45,300.12 - completes the hangar - with the fire protection system and rain gutters remaining to be completed - on the spread sheet there is a balance left on the loan of \$38,688 - fire protection system is about \$63,000 - have \$45,000 set aside which totals \$83,000.

Janice Loucks - what's being requested on partial release #3 is \$45,300.12 and then there will be at least one more and a 10% retainage will stay until six months after C.O. is issued - supporting this request.

Chairman Martin - asked for a motion to go ahead and authorize the release of funds.

Stowe - so moved; McCown seconded; carried.

Executive Session

Attorney DeFord - had three items to discuss with BOCC, two of which are in Executive Session - Lofton Litigation, Oil & Gas Litigation, and an initial draft of an agreement with the City of Glenwood Springs to discuss design services for County Roads 116 & 117 and the City's Midland Avenue - have questions concerning funding and the geographic extent of that design - would like to have Ed and Board in Executive Session.

Commissioner Stowe - motioned to go into Executive Session to discuss items mentioned by Mr. DeFord; Commissioner McCown seconded; carried.

Commissioner Stowe - motioned to come out of Executive Session; Commissioner McCown seconded; carried.

COMMISSIONERS' REPORT

Commissioner McCown - Associated Government 10:30 a.m. Thursday in Palisade

Commissioner Stowe - next week on April 13 RTA meeting all day in Carbondale at Town Hall to discuss and try to formalize part of what might be set on the November ballot.

Upper Valley Mayors meeting next week on Wednesday at Carbondale at Town Hall at 8:00 a.m.

April 18, 7:00 a.m. meeting with City of Glenwood Springs at Courthouse.

Chairman Martin - attended the open house Saturday for the I-70 Information from Denver to Glenwood Springs and what's going to take place with projects being prioritized - comes out of the major investment study of I-70.

TANF BID

Margaret Long, Colette, and Janice George were present.

Margaret - stay in as Board of County Commissioners because signature required is by BOCC.

Colette gave the fiscal aspects of the TANF Bid of \$1,375,000.

\$32,000 bonus is for works participation - is a result of meeting the goal of the program - add back into the program.

State projecting Garfield County historical expenditures at \$765,000.

Colette believed they will be closer to the \$983,000.

Want as much transfer as possible into the child welfare and child care because we need to sustain the regional child care program that we're doing with the Rural Resort Region - amount of money in the bid will only help \$24,000 in child welfare.

County participation increased by \$32,000.

Federal Government cut back MOE to \$162,000.

Margaret and Colette will attend the meeting on April 14th.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the TANF Bid as presented by Social Services; carried.

EXECUTIVE SESSION

Chairman Martin - need to discuss contract negotiations with Auditor.

Don said he needed Ed, Jesse and Board for the discussion.

Commissioner Stowe - moved to go into Executive Session to discuss the contract matter as mentioned;

Commissioner McCown seconded; carried.

Commissioner Stowe - moved to come out of Executive Session; Commissioner McCown seconded; carried.

Don asked the Board to make a motion to authorize the current Auditor to provide additional services beyond the current scope of services and complete investigation of anomalies in the enterprise, in an amount not to exceed \$500.

Commissioner Stowe - so moved; Commissioner McCown seconded; motion carried.

RIDING ARENA UPDATE - ELECTRICAL/MECHANICAL

Randy Withee and Janice Loucks were present.

Randy stated they will give them a schedule later today.

McCown - made a motion for authorization to proceed with the mechanical and electrical review for engineering on the Fairgrounds Building; Stowe seconded; carried.

SCHEDULED WORK SESSIONS / DISCUSSIONS / DECISIONS:

Public Hearing: Abatement - Colorado Plumbing Service, Western Building Service, Inc.

Steve Rippey presented the Abatement - property that relocated its business into a different taxing district a couple of years ago - notified Assessor's office just recently - rebating and recollecting.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Abatement of \$2,173.76 to be recollected in a different district; carried.

Water Committee Discussion: 208 Water Plan

Randy Withee, Janice Loucks, Louis Meyer of Schmueser Gordon Meyer, Tom Zancanella, Dennis Davidson, Bill McKee and Duane Watson with State Health Department, Bill and Charlotte Zilm, George Ware, Gary Brightsman, Dave Kanser from Colorado River District, and Barry Hamilton

1 ½ years meeting on water quality issues. Those who have been involved - very diverse group of people. This has resulted in some broad-based policy discussions. Today they were presented to the Board. Informal today and obtain feedback.

5 major areas - 1) regional overviews, 2) regional water quality assessments, 3) point source issues, 4) non-point source issues, and 5) management and institutional issues.

Garfield County's municipalities, districts, everybody; includes Roaring Fork River, Colorado Rivers, also include all the minor tributaries in Garfield County.

Rob Hykys plotted on GIS Map - all waste water and sewers and wells in Garfield County - and 201 boundaries for municipalities.

Board Policies

Regional Overview

Central wastewater services should be given high priority over ISDS. A plan in place to allow tie into municipalities and districts.

Homeowners' Associations - not the right mechanism to own and operate waste water treatment facilities - water quality is not a priority - consolidation of management services/agency to serve the different plants.

Land Use Decisions - when land use decisions are made, water quality is often the loser - ISDS - policy on 1 -2 acre lots, may be appropriate on a site specific basis, but when you accumulate in one or two areas, cumulative impacts need to be considered in the future -- consider areas like Missouri Heights, Roaring Fork River Valley, Peach Valley, Silt Mesa.

Garfield County needs to continue proactive dialogue with Colorado Department of Health particularly on the anti-degradation provisions in the Roaring Fork River - in last couple of years, State has collected water quality data on Roaring Fork - the standards for discharge are secondary standards - Roaring Fork and Colorado Rivers are the only ones left where you can do a secondary plant without tertiary treatment.

Non-Point Source Issues

Simple Best Management Practices could be adopted by Garfield County - have a dialogue with municipalities so that they are consistent - level of BMP required by various jurisdictions are varied - difficult for those working in the field - Best Management Practices are simple - not expensive - good examples from other counties that could be adopted.

Regional Water Quality Assessments

Discusses current state of our rivers - nobody knows - some arguments that Roaring Fork River and Colorado River quality has improved for bacteriological counts and fecal matter; but nutrient levels are increasing. We really do not know. Roaring Fork Conservancy starting to collect and test.

-- Addition to the growth and water quality - a lot more municipalities are using surface water for drinking water - Rifle, Silt, Glenwood Springs, Rose Ranch - as development occurs and degrade water quality, more and more people using that water for drinking water.

Point Source Issues

Concern over the large amount of ISDS in County - consideration may be given to zoning or plat issues that would require ISDS to tie into central services when they become available - more consideration should be given to new smaller package treatment plants - not necessarily on the technical side of things, but on the institutional management side - small plants need to develop sinking funds, give water quality consideration above budget issues.

Non-Point Source Issues

Included in Best Management Practices, need more discussion on golf courses - good or not good stewards for water quality - 8 courses between Carbondale and Battlement Mesa are in some level of planning stage at present - need to adopt Best Management Practices for golf courses.

-- Municipalities in Garfield County on Non-Point have a long way to go on their issues - Street washing, sediments used during the winter, flush right into the rivers - Communities between 10,000 and 50,000 people will have to start getting discharge permits - our communities will not fit - suggested they adopt the standards anyway

--Magnesium Chloride - what are long term impacts of using. New Development should consider dedicating stream banks, riparian area to remain in natural habitat - have higher density in other parts of property.

Management and Institutional Issues

Already talked about homeowners' associations -- good model for consolidation can be found in Eagle Valley - level of treatment, sophistication of equipment, and personnel is much better with consolidation vs. what we have in Garfield County right now.

-- Land Use Issues and Future Growth - consideration should be given to water quality and with the golf courses consideration for reuse of water for them.

Bill make - advisory committee met once a month for a year - generally there is support for these recommendations - Privately-owned facilities not ruled out - Safe to say, land use tied with water resource and quality - some short term concerns the BOCC are dealing with daily - Long term provisions need to be considered - looking for reactions and comments from BOCC.

Chairman Martin - was there any consideration on the plotting sludge distribution points in the County - are municipalities taking sludge trucks out and putting it on agricultural land - are there any areas being used more than others.

Regional Sludge Handling - per Bill make. - Grand County considering.

Martin - in the right direction - Comprehensive Plan -

McCown - ISDS will hook into a municipal system when it comes available. Municipal representatives not present today. BOCC is being asked to develop policies centered around municipal districts, and yet none of the municipalities are represented here today - generate growth next to the Urban - admire this committee in the work they have done. But to be effective you must get Municipalities to be involved and offer services to these new growth proposed areas - may not be fair to ask Garfield County to shut down everything happening in County if Isis can't tie into existing district/municipality system when neither of those entities may be willing to accept any new service.

SGM - cities developing very stringent 3 mile growth plans - anticipating no responsibility beyond 3 miles - stopping service at a certain spot. Areas will still get permits.

Bill - town people have a service area and where they will extend services.

McCown - are they willing to commit and put the money on the table to provide this service.

Bill - municipalities want to know who will pay. Need Plan Investment Services.

Martin - Special Districts to plan for growth. GARCO is taking responsibility for its water quality issues.

Larry - can they show and document that Isis in Garfield County are degrading the water quality? the aquifers? If a landowner wants to build an ISDS on his 2 acres of land and the County tells him no, they'd better be able to back it up with evidence.

Louis - no - common sense with dots - good documentation of issues elsewhere.

Tom Zancanella - Pitkin County - are times when ISDS systems have failed.

Bill - permits to rebuilt - these are documented. - examples

Septic systems - some increase in the nitrates in the ground water. Nitrates will go up with septic
 Larry - cattle or other livestock - nitrates will go up.
 Tom Zancanella - Nitrates have gone up - Pitkin - Westbank - goes back to golf course - BMP an impact to this - accumulative effects - up to 9 with 10 being the limit - down with new practices of fertilizers.
 Bill - effort to update 208 Water Plan - contract with Department of Health and County - extended until September 30, need plan in and endorsed by County and spend the grant money put up to help pay for it - still have \$15,000 County was given through the contract. Louis and Tom donated time - plan drafted and done by September as the funds need to be spent.
 Public Meetings to garner support and to proceed with the 208 plan.
 McCown - in the majority of the County especially western end if increase lot size for ISDS would entail rezoning.
 Mark Bean - no minimum lot size for the State level - County adopted 2 acre lot size a number of years - State just has setbacks from wells, houses, etc.
 Bill - these are controversial issues.
 Lot-buyers responsibility - to put in septic, sewer, if you are not protected for water quality.
 Commissioner Stowe - concern when septic system becomes available - when your septic system fails, you pay to tie into - some flexibility - 5-10 year period - latitude for home owner.
 Bill - within 400 ft. they can be forced. If over the 400 ft. you can't compel them to tie in.
 State law - Court ruling - annex into the town before they can force them to tie into.
 Louis - conclude: sludge location facilities, and continue and get municipalities to get involved.
 Commissioner McCown - oil and gas activity - what is that doing to groundwater? - a lot of allegations made - lined and unlined.
 Bill - they do regular reports to the water quality commission.
 Larry - Health Department has been called to monitor Oil and Gas Industry - Oil & Gas are self-governing.
 Bill Zilm - nitrates going up gradually even after ranching has ceased - septic tanks, 2 acre lots, runoff from horse feeding areas. In Four Mile area - designated well protection.
 Carbondale dumps sludge on the Crystal River Ranch (used to be the Martin, Dry Park, Ranch) - when they apply for permit renewal, they have to call the Zilm family - are they far enough away from effluent injection into the soil.
 Issues to be resolved: sludge, municipality involvement, 1 acre lots, flexibility on time-frame for tie in, and oil and gas issues.
 Ed - does study address the aquifer west of Rifle? selenium, vanadium, uranium? - no - DOE issued a report - can't naturally flush it in the 100 year time frame for selenium and vanadium - for uranium it's a forty year flush - milligrams per liter - thousands of parts per million.
 Larry - they're asking the County for institutional controls on the surface use of that because of the problem that they've created.
 Tom - screening test for beta and alpha particles - west of New Castle - alluvial tests will fail - allowing one to subtract out uranium because it's supposed to be digestible - going up and down to what levels those should be - many Rifle subdivisions exceed those levels - a sleeping alligator - Peach Valley just barely passed.
 Bill - Health Department is now issuing a discharge permit for septic systems between 2,000 and 10,000 gallons per day - less than 2,000 gallons per day is subject to County permitting and approval - can monitoring be done in the County - State Board of Health and State Water Quality Commission have a joint meeting scheduled on 5/9 in Denver - discussion and Public Hearing on septic system regulations - there may be changes in State Regulations that affect Counties.
 Dennis, Soil District Representative - asked for guidance and direction.
 Commissioner McCown - question for Dennis - out of this plan, irrigation practices, is there any way by implementing this plan you can come up with some funding to get away from as much flood irrigation as we're doing and going to some sprinkler systems, gated pipes, etc., will developing this plan assist landowners in getting money for this.
 Dennis - two-edged sword, when there are sprinkler systems, start depleting groundwater supplies - i.e. Silt Mesa - some wells will dry up - sprinkler systems 50% more efficient over flood irrigation.
 Larry - Quality and quantity are at issue - quantity will quickly become a problem.
 Bill Zilm - flood irrigation drowns out gophers and moles - sprinkler system allows influx of mole - 40 acres - pile of dirt every 3 or 4 feet in the Spring.
 Commissioner McCown - quantity of water at issue.

Dennis - environmental evaluations - flood irrigation system is about 25% efficient and sprinkler system is up to 75% efficient with water use - more things to look at then just converting.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Amended Plat for Track 44, Antlers Orchard
- c. Approve Conceptually: Amended Plat Concerning Lot D42, Aspen Glen Filing 1 and authorize preparation of the Original Mylar for Signature: Lot D42, Aspen Glen Filing 1
- d. Sign Resolution of Approval Concerning William N. Johnson Exemption
- e. Sign William N. Johnson Exemption Plat.
- f. Liquor License Renewal: Grand River Grill
- g. Sign Letter Regarding Comments on USFS Plan

A motion was made to approve the consent agenda Items a - g by Commissioner Stowe and seconded by Commissioner McCown; carried.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest

Chairman of the Board

APRIL 10, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 1:00 p.m. on Monday, April 10, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 1:00 P.M.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss Oil and Gas Litigation; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Acknowledgment of Satisfaction of Subdivision Improvements: Aspen Glen Filing No. 1 - Clubhouse
- c. Sign Acknowledgment of Satisfaction of Subdivision Improvements: Aspen Glen Filing No. 8 - Saddleback Ridge
- d. Sign Acknowledgment of Satisfaction of Subdivision Improvements: Coryell Ranch and Midland Point Subdivisions
- e. Resolutions (2) approved 4/3/00 amending Personnel Policy and designated Smoking Areas

Mildred Alsdorf stated that all documents were available for signature by the Commissioners.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda including the Resolutions amending Personnel Policy and Smoking Areas and authorize the Chair to sign the two Resolutions; carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Garfield County Communications Center

Bob Kibler, Director of Communications with Garfield County Emergency Communications Authority - reported the State Energy and Mineral Impact Assistance Advisory Committee met recently in Denver to review requests for grants and loans from State severance tax and mineral lease revenues from oil, gas, carbon dioxide, coal and metals extracted in Colorado. The Committee recommended partial funding for the Communication Center. A contract for a grant in the amount of \$600,000, the maximum grant guideline for projects strongly and directly related to energy and mineral activity.

Larry - there was a meeting last Friday on the 800 Megahertz Networking - wanted to know if Bob was aware of it.

Bob - there's one coming up in Douglas County.

Emergency Fire Meeting

Marian Smith - met in Grand Junction - had draft fire plan for all of Mesa County - it's in the D Zone which means they probably just let it burn - private landowners are in favor of letting this area burn -

it will probably be adopted - CCI - a Bill has been put forward to change the status of the Sheriff as the Fire Marshall - added to that Bill that they can extinguish, suppress or use prescribed natural ignition fires and other pre-suppression activities.

Concern: The Board of County Commissioners may make appropriate in controlling fires in Garfield County and are able to levy a special tax to create a fund with the input of the fire departments. The main part is that they've taken away the part that said the sheriff had to extinguish. She felt this was the most important part of the bill.

They recommended the County prepare a County Fire Management Plan which would be more than the Annual Operating Plan.

Larry - asked Marian to keep her ears open for information on the Regional RETAC - wanted support on the grant - forming another level of government. Some of these items being discussed - coming out of St. Mary's Hospital.

Marian - by the end of the year there should be something begun on the Communications Center.

Marian - GARCO is one of the most impacted counties impacted by the Energy Impact.

BUILDING & PLANNING ISSUES:

PUBLIC HEARING:

REQUEST FOR APPROVAL OF A REVISION OF THE PRELIMINARY PLAN FOR ASPEN EQUESTRIAN ESTATES. LOCATED NEAR THE INTERSECTION OF COUNTY ROAD 100 AND HWY. 82, 3 MILES EAST OF CARBONDALE. APPLICANT: ASPEN EQUESTRIAN ESTATES, LLC.

Kit Lyon, Don DeFord, and Land Design Partnership, Ron Liston (representing Applicant) were present.

Don - determined that adequate and timely publication, posting, and notices to property owners within 200' according to the Assessor's Office were in order and advised the Board the Applicant was entitled to proceed.

Kit Lyon submitted the following Exhibits:

Exhibit A - Green and white Certified Mail Receipts

Exhibit B - Proof of Publication

Exhibit C - Garfield County Zoning Resolution

Exhibit D - Garfield County Subdivision Regulations

Exhibit E - Comp. Plan for Study Area I

Exhibit F - Application materials

Exhibit G - Staff Memo dated March 3, 2000 with attachments.

Chairman Martin entered Exhibits A - G as evidence into the record.

Chairman Martin swore in the witnesses.

Kit - this is a technical amendment to the preliminary plan approval - there was a plat note required on the Final Plat - it was site specific studies must be conducted for individual lot development in order to detect the presence of subsurface voids - language that staff had summarized from a geological report and apparently changed the meaning - this amendment is an attempt to make the plat note read how the engineer intended it to read - "the potential presence of subsurface voids should be considered when planning site specific foundation studies" - staff doesn't see any problem with this - and suggests that the request be approved.

Chairman Martin - engineering firm HP Geotech memo was provided dated January 25, 2000.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for approval of a revision of the Preliminary Plan for Aspen Equestrian Estates as presented by staff; carried.

PUBLIC MEETING:

REQUEST FOR APPROVAL OF THE C.R. COMMERCIAL PROPERTIES, INC. EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATED: BETWEEN RIFLE AND SILT ALONG COUNTY ROAD 260. APPLICANT: C.R. COMMERCIAL PROPERTIES, INC.

Kit Lyon, Don DeFord, and Dennis Pretti - Jack from C. R. Commercial Properties, Inc. and attorney Tom Stuver of Stuver & George, P. C. were present.

Don - determined that adequate and timely publication, posting, and notices to property owners within 200' according to the Assessor's Office were in order and advised the Board the Applicant was entitled to proceed.

Kit - this site lies in District C according to the Comp. Plan of 1984, which is rural areas, minor environmental constraints - the Comp. Plan contains performance standards which the Applicant should be aware of and adhere to - the suggested density of one dwelling unit per five acres - the submitted request is for an exemption from the definition of subdivision for C. R. Commercial Properties, Inc. located on a 43.4+/- tract of land located at the intersection of CR 260 and CR 233 northwest of Silt, in Cactus Valley. The parent tract of land to be divided in four (4) exemption parcels of 10.7, 12.8, 9.7, and 10 acres.

Recommendation:

Staff recommends approval of this application with the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval;

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension, and area of the proposed lots, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities;

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption;

That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;

That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be compiled with;

The access shall comply with the following:

- (a) A driveway sharing/maintenance agreement shall be recorded with the final exemption plat. (b)
 - Access should enter and exit only from CR 260.
 - (c) Agricultural access from CR 233 should be abandoned and removed. (d)
 - No other accesses should be allowed from CR 233.
 - (e) A driveway permit should be obtained from Road & Bridge prior to road construction.
 - (f) Applicant should provide and deed thirty (30') foot right of way from center of road along CR 260 and CR 233 to Garfield County for future road expansion.
7. Prior to the approval of an exemption plat, the applicant shall provide to staff and the Board of County Commissioners a letter of approval of a fire protection plan from the appropriate fire district. Any recommendations made by Fire District shall be considered as conditions of approval and shall be implemented;
 8. Prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created.
 9. That the following plat notes shall appear on the Final Exemption Plat:
"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."
"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. sew., and the regulations promulgated

thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "'A Guide to Rural Living and Small Scale Agriculture' put out by the Colorado State University Extension Office in Garfield County."

Applicant's Comments:

Jack Pretti and Attorney Tom Stuver didn't have anything to add. They accepted the recommendations.

Larry - made a motion to approve the Exemption from Definition of Subdivision for C.R. Commercial Properties at the given legal location with the nine (9) recommendations of staff and so agreed to by the Applicant; Walt seconded; motion carried.

COUNTY ATTORNEY UPDATE - DON DEFORD

Don DeFord presented the following items:

Discussion Topic: Negotiations for a Subcontract concerning jail construction; staff needs direction on how to proceed.

Executive Session

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss these contract negotiations; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Special Subcontract for Excavation at Jail

Don DeFord, Purchasing Tim Arnett, County Engineers Randy Withee and Janice Loucks were present. Reilly Johnson, Harvey Whitcomb was contacted by telephone.

DeFord - late last week Harvey and representatives of Haselden Construction wanted to know if they could proceed with a special subcontract arrangement, similar to what had been done for masonry, for the excavation work particularly as it relates to relocation of City of Glenwood Springs utilities - under purchasing policy there is a provision that if the Board finds an emergency circumstance, the provisions of the purchasing code can be waived and one can proceed with an agreement - extenuating circumstances - Gould Construction had already submitted a bid to previous General Contractor, G. E. Johnson - pursuant to their request, drafted a contract similar to one that is in place right now that would incorporate general conditions that Haselden would like to see in place in the event the Board contracts with Haselden - Mark Gould has prepared a scope of work with a breakout on cost of excavation as it relates to the jail facility - request is from Harvey, Haselden and Gould Construction is to proceed with an award of a contract to Gould Construction that would be assigned to the general contractor, primarily to expedite relocation of City utilities.

Harvey - need assurance that relocation of major waterline needs to be completed by June 1, 2000 - impossible to be done by May 1st, as was the original understanding.

Mark Gould, Gould Construction - issue is the sleeving underneath the building - they are special order pipes that are sitting at the factory and we're trying to get factory not to sell them - the sleeving is also special order - the scope of work is probably 5 weeks - this agreement would allow us to 1) meet the City's commitment, 2) for about 3 of the 5 weeks nobody else needs to be on the job-site, and 3) give the County and Haselden to come to terms and not lose any time of the schedule.

Walt - one of the concerns Board has had is Gould will be putting in concrete footings for the jail and then whoever the ultimate concrete contractor is, there's some questions about who is responsible for the building if there is some settlement.

Mark G. - will have inspectors out for soils - would have concrete testing done to County standards - soils engineer would make sure the foundation was correct - before the actual footings are poured, the Board will come to terms with a contractor - this agreement is saving a ten day window to get shop drawings on steel, get steel ordered, get pipe ordered, etc.

Walt - asked Haselden if they were willing to accept responsibility of the structure?

Don Hackinson, Superintendent with Haselden - assuming the concrete that's been poured before we were under contract? - yes - perceive that to be a low risk situation - any problems with settlement are primarily directed to the excavation contractor, not the firm placing the concrete - the reason for the sequence is because if the waterline and storm sewer line were to be installed prior to the footings going in, there would be digging adjacent to the new work and it would be risky and counterproductive.

Larry - spoke with Art Hougland - he developed a set of redlined drawings with changes on them - the drawings have gone back to the architect for a clean set of drawings - asked if Don Hackinson and Mark Gould had seen the drawings.

Harvey - said he had not received new drawings.

Larry - until Reiley Johnson sees Al Hougland's corrections and sends out a new set of drawings to all interested parties, doubted that the Board could get a permit from the City to proceed - there is also the issue of \$68,694 that is beyond the City's commitment for the utility relocation - Board has no comfort level, because the City Council has not met, that the City will O.K. the extra money - if they don't it will be absorbed by the County - was looking at \$268,694 and \$240,000.

Mark G. - the \$268,694 has the storm drain in it as well - these are the exact numbers that GE had - the City's price didn't go up - to do this work, some of the jail work has to be done - prices aren't paid double, they are just paid in the first part instead of the second part.

Ed Green - you indicated there would be a deductive change if you went ahead and just did the jail project because you wouldn't have to cover the part that you did.

Mark G. - the first proposal has some surveying and some earthwork to fill the holes back in - \$5,000 for surveying and \$10,000 for earthwork - the ultimate cost is still never to exceed the last number - it's just if one didn't go on any further, the holes would have to be filled in.

Ed - asked Mark if there was a need to go in and do dirt work or is it that Mark needs to procure long lead items right now?

Mark G. - it's twofold: 1) get the lead items before they sell them at the factory, 2) it's a good strong five weeks by the time a hole is opened, put footers in the ground, and back fill those footers, pour the pilasters that go up, put the sleeves in and tie it.

Walt - if we gave you the go ahead today to order the pipe and hold off on the actual digging holes until Tuesday or Wednesday, the Board meets with the City Council on Tuesday morning as a combined session, we'd hopefully have the numbers from Haselden, would that still work within your time frames.

Mark G. - if we purchase the pipe and get the shops and the steel coming for the pads, that would work.

Ed - we'd issue a contract to you to go ahead with the procurement items.

Larry - we won't be the ones to say go ahead - the City has to give the final go ahead - said he wouldn't have any problem with ordering the critical material items.

Mark G. - in conversations with Glenwood Building Department understood it was fairly common to cut out some kind of "foundation only" permit - they have that capability.

Larry - said Art Hougland did not indicate that there was anything major wrong - he just wanted everybody to be working off of a clean set of drawings.

Mark G. - said he could get with the City before Tuesday.

Walt - asked Ed if it would be useful to alert the City Council that the Board would like to make a decision on this Tuesday morning and in that respect even have someone from Gould Construction there?

Don - asked Mark to itemize the items that need to be procured right now - and asked whether he could have the list in writing to attach to a short letter agreement.

Mark G. - yes - two 30" sleeves, one 42" sleeve, all the 16" waterline, and all the hardware that goes along with it.

Walt - as well as the structural on the concrete.

Mark G. - needs to get the shop drawings on the structural steel - estimated it would be about \$50,000 - County can order the materials - all Gould really needs is a commitment from Dodsons that when it shows up that somebody will pay for it.

Larry - is this the in place price?

Mark G. - that's the installed, tested, etc., price.

Walt - made a motion to authorize procurement of the sleeving pipe as well as the snap-lock waterline pipe and the shop drawings necessary to construct the eight footing pads that Mark Gould (Gould Construction) has listed with the structural steel therein and includes authorization for the Chair to sign.

Don - we can award the contract, but we cannot award the utilities until the City has okayed the utility price.

Larry - said if he understood Mark's testimony right, the City's cost of utility price did not exceed \$240,000 - what the Board is seeing in this number that brings it up to \$268,000 is other work that would take place during the jail construction anyway.

Don - we have a motion on the procurement on the table right now - we should move forward on that motion.

Larry - seconded the motion; motion carried.

Don - for purposes of work with the City asked Mark Gould to provide a breakout that shows the \$240,000?

Mark G. - as long as somebody tells him what they're responsible for - i.e. there are storm drain inlets, there are trench drains, etc., that are part of the jail that are not part of the City - don't put Mark in the middle of that.

Larry - all utilities was the agreement.

Walt - the relocation of all utilities.

Mark G. - relocation of utilities wouldn't be your new drain - willing to take a stab at it.

Don - shouldn't Mark G. work with the County's engineering department and Harvey to determine that list.

Chairman Martin - had a conversation with the Mayor of Glenwood Springs and Mayor feels there's plenty of room to discuss the item about \$240,000 - if it goes above \$240,000 it will be 50% the City and 50% the County, if everybody was willing to do that - but City is willing to negotiate.

Walt - said between now and next Tuesday morning the Board needs to know what the City's cost is and how much Haselden would want to put on for their profit and overhead - if the City's cost is \$240,000 and it's going to be \$270,000 by the time we're done, that's the figure we need to take to the City of Glenwood.

Chairman Martin - and there's no guarantee that would pass.

Walt - would really like those figures by Monday's meeting because if it is \$240,000 or less, we can make the award of contract.

Ed - actually we need them by Friday at 2:00 p.m. as part of our negotiations.

Larry - coordinate with Randy Withee and Harvey.

Harvey - Also consult Dean Gordon because he knows the most about the demarcation between the jail and the City.

Change Order: Sierra Steel

Don DeFord - spoke with a representative of Sierra Steel - willing to reduce their guaranteed maximum price by \$20,000 - will be accomplished with a Change Order - sent it to them last Friday - would like the Chair to be authorized to sign a Change Order reducing the gross maximum price of the contract with Sierra Steel for the Detention Center by \$20,000.

Walt - so moved; Larry seconded.

Chairman Martin - and that comes directly back as a savings to the County not to the General Contractor - correct?

Don - yes.

Motion carried.

COUNTY ADMINISTRATOR UPDATE: ED GREEN

Ed Green presented the following:

Over \$14,000 raised. Ed raised \$3,262.23 - most thus far for Jail House Rock for Garfield Legal Services Fund-raiser Event.

Colorado River Tabletop Exercise

Will test the County's preparedness for an incident along the Colorado River - EPA has also been able to get Union Pacific involved - May 18th will get back together with EPA and do some final planning of the exercise - sometime in October the exercise will be held - the scenario will probably involve some kind of derailment - will be activating the Mac.

Lease Agreement with United Way

This lease is to use a segment of our Taughenbaugh Building - Lease is for a nominal amount - \$20.00 per year to house the staff - 1/3 of a suite.

McCown - made a motion the Chair be authorized to sign a contract with United Way for the leased office space at the Taughenbaugh Building; Stowe seconded.

Chairman Martin - mentioned United Way was homeless and appreciated the lease.

Motion carried.

Road Grader Demonstration Agreement

There was one change that Don DeFord requested be made - done - executed by the marketing manager for John Deere - recommended execution of the agreement.

Tom said they will be using it in the whole County - John Deere wants the County to use the grader for their research development team - John Deere asked that the County use it on the hardest jobs i.e. snow, mud - it is a prototype which County gets to use for free - great deal.

John Deere and Honen Equipment

Stowe - made a motion Chair be authorized to sign the agreement with John Deere for the use of a road grader on an experimental basis; McCown seconded; motion carried.

Culvert Pipe and Bands

Tim Arnett submitted a request from Garfield County Road and Bridge to issue a Formal Request for Bid for Culvert. Specifications were prepared, a legal advertisement was placed in the newspapers and copies of the IFB #5-2000 were sent to three culvert distributors. Grand Junction Pipe (out of Carbondale) submitted the lowest bid of \$6,895.60.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the purchase of culvert from low bidder Grand Junction Pipe in the amount of Six Thousand Eight Hundred Ninety-five Dollars and 60 Cents (\$6,895.60); carried.

Striping Contract

Tim Arnett submitted a request received from Garfield County Road and Bridge to issue a Formal Request for Bid for Striping various County Roads. Specifications were prepared, a legal advertisement was placed in the newspaper and copies of the IFB #6-2000 were sent to four commercial striping companies. Three responses received: Warning Lights, Grand Junction was \$84,630.00; Colby from Council Rock was \$59,015; lowest bid was submitted by Colorado Stripe Wright, Ltd., for \$41,000.

Don - if a contract is awarded of over \$50,000 a performance and payment bond is required for a contract less than \$50,000, optional.

McCown - moved to approved the approve the contract with Colorado Stripe Wright, Ltd. for \$41,000 for the striping on County Roads in Garfield; Stowe seconded.

Stowe - asked about specs - did all three bids reflect the same product? - yes.

Tom - changed this year - had been using a lacquer-based paint for years - had to go to the water-based paint.

Don - because the Board has selected through its motion of \$41,000, would the Board address the question of bond - would your motion also include waiver of any requirement for performance and payment bond?

Stowe - yes it would - amended the motion to include that; Walt seconded that.

Chairman Martin - we have an amended motion and an amended second, \$41,000 with no bond with Stripe Wright - all in favor - motion carried.

COMMISSIONERS' REPORT

Ed Green - heating system - stressed to 72 degrees - more stress to try 70 degrees - reduce to 70 and try it.

Chairman Martin - letter sent to Glenwood Springs at the request of parking lot enforcers to go along with posting of signs - compact vehicles only - pickup trucks, vans, and flatbed trucks will be asked to move. - warning period of 30 days.

Meetings:

Ed Green

April 26, meeting with Eagle Commissioners

Chairman Martin

April 12 - 11:30 a.m. - United Way grand opening at Taughenbaugh Building

April 14 - CCI, Transportation and Telecommunications

April 18 - City of Glenwood Springs, Tuesday, 7:00 a.m.

Commissioner Stowe

Upper Valley Mayors' Meeting at Carbondale, 8:00 a.m.

RTA Workshop all day Thursday, April 13.

Commissioner McCown

April 18 - Meeting with the City.

April 20 - DOE meeting

DISCUSSION: RUEDI WATER AND POWER AUTHORITY POSITION ON BUREAU OF RECLAMATION REQUEST TO RELEASE ADDITIONAL WATER FROM RUEDI RESERVOIR

Don DeFord and Mark Fuller of Ruedi Water and Power Authority (RWAPA) were present.

Mark Fuller spoke and submitted the letter and information packet from Gerald Kelso, Acting Area Manager for the Bureau of Reclamation in Loveland, regarding releases of water from Ruedi Reservoir to enhance endangered species habitat in the Colorado River. The packet submitted explains that a 15-year agreement is pending that would release up to 21,650 acre-feet of Ruedi water annually to critical habitat near Grand Junction. These releases would be in addition to the 10,000 acre feet (af) of Ruedi water that was previously committed to endangered species. Ruedi releases would, in theory, be cut by half during the term of the agreement as other water sources are secured. This reduction is theoretical only because at present the agreement does not explicitly preclude the ongoing commitment of Ruedi water if other sources cannot be found.

RWAPA's position on this matter is: the issues has been followed closely since discussions on endangered species commitment from Ruedi were begun several years ago. The participated in meetings between water users and the various state and federal agencies involved.

RWAPA's position on water released for endangered fish can be summarized as follows:

Flows in the Fryingpan River should be capped at 250 cfs. It was demonstrated that flow levels above 250 cfs encroach on fisherman access in a number of locations. Fryingpan flows average around 120 cfs under normal circumstances.

Reservoir levels should be 95,000 af on September 2 and 85,000 af on October 1 of any given year.

Reservoir capacity is 102,375 af, a level which is typically reached around the first week of July.

The 95,000 af level and the 85,000 af levels allow for access to all boating and fishing facilities on the lake through the heaviest recreational seasons.

Use of Ruedi water for any purpose, including water sales, endangered species or transbasin diversion (i.e. Homestake Pumpback) would be managed to maintain existing uses and economies. In other words, the output of the hydropower plant, the economy supported by recreation in the Fryingpan Valley and the local environment should not be sacrificed to support activities, programs or development elsewhere.

We believe that Ruedi has been overburdened with responsibility for endangered species flows in the past and we believe that any agreement to provide water from Ruedi must include absolute and permanent limits on releases from Ruedi. The pending agreement needs to be specific in limiting long-term demands on Ruedi.

The 21,650 af proposed commitment, plus the release of the original 10,000 af, equals the annual releases from Ruedi for endangered species over the past several years through year-to-year agreements between the Bureau, the Fish and Wildlife Service and the State of Colorado. Operations over those years indicate that provision of this amount of water from Ruedi will violate the guidelines noted under Paragraphs #1 and #2 above, under low-flow conditions. If the 21,650 af is reduced to 10,825 af when water users provide other sources, the demand on Ruedi for endangered species would total 20,925 af. Previous operations indicate that this amount could be provided annually within the flow and reservoir fill guidelines. Therefore, among the alternatives offered by the Bureau on Page 4 of the Request for Comments, RWAPA supports Alternative 2, which would cap Ruedi contributions once other sources of water are identified. This support is tempered by the need to first investigate the impacts of Ruedi releases.

In summary, RWAPA supports continued planning for the Ruedi Futures Study on the assumption that the Study will be initiated within the next 4-6 months and completed within the next 2 years. In the interim, any agreements for use of Ruedi water should be short-term and subject to the findings of that Study. In any case, any use of Ruedi water for endangered species flows should be subject to the flow and reservoir level guidelines noted above and should be subordinated to the established local economy and environment. Further, any agreements should include an absolute and permanent cap on Ruedi contribution to endangered species at a level which maintains local interests. That level should be no more than 20,850 af annually.

RWAPA will be working on a formal response to the Request for Comments over the next two weeks (comments are due on or before April 17) which will incorporate these and other points made in our previous discussions with the Bureau. These comments will be made available to you through your representative on the RWAPA Board.

Comments from the Board of County Commissioners were solicited noting individual interests and concerns.

Mark asked for support - not in favor to lock in this agreement without answers to these issues.

No idea what kind of releases that they are talking about could really mean in terms of:

Basalt economy

Valley economy

Ecosystem that is supported by the Frying Pan

The Gold Medal Trout Fishery on the Frying Pan

There is a whole host of issues - real important to have an examination and analysis before due date.

Mark stated the 15-year agreement for endangered species releases from Ruedi. It would be very valuable for the County to send a similar letter to the Bureau prior to the April 17 comment deadline.

Discussion:

The Board was satisfied that all issues were addressed by Mark Fuller.

Commissioner Stowe - made a motion to support the letter that Mark has drafted through the Ruedi Water and Power Association as the County Commissioners and if need be set that on Garfield County letterhead and have the Chair authorized to sign the letter; Commissioner McCown seconded. Motion carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest

Chairman of the Board

APRIL 17, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. Present were John Martin, Walt Stowe, Larry McCown, Ed Green and Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Agreement with Micro Solutions

Tim Arnett and Charlie Schmyer, President of Micro Solutions, Inc. presented the Preferred Customer Agreement.

Tim stated that during a staff meeting, a round table discussion about computer service in the County was discussed. The Commissioners discussed the Agreement; Tim provided the details. Stowe moved and McCown seconded to approve the contract and Chair be authorized to sign as long as it has been reviewed by the County Attorney; carried.

Pup Dump Trailer Purchase

Tom Russell stated the justification was to haul more gravel. This was included in the budget for 2000. Negotiated with manufacturer to make axle spread closer together to save tire wear - maneuverable pieces of equipment - allows the same vehicle to haul twice the amount of material in one trip - purchased from Hanson Equipment.

McCown moved and Stowe seconded to approve bid for \$70,650 for 3 pup trailers from Hanson Equipment Co., in Grand Junction; carried.

Mag Chloride Contract

Tom Russell - Harry's Heavy Hauler was the successful bidder. 70,000 gallons. The price is set for 24.8¢ per gallon.

McCown moved and Stowe seconded to approve contract with Harry's Heavy Hauler to supply mag chloride for dust control for 24.8 cents per gallon, 70,000 gallon contract; carried.

Freddie Fender Contract

Standard Fairgrounds Agreement - performance on May 4, 2000

McCown motioned and Stowe seconded to approve the Fairground Contract for Just For Fun Promotions on May 4, 2000; carried.

Fair Contracts

Bull Riding, Rodeo, Concert, and Fair Book

Ed said the Fairgrounds Committee has been working very hard. Ed asked for authorization for approval by the Board to have the Chair be able to sign contracts as they come up; conditionally with Don DeFord's approval and review of the contracts. Funds are all available.

Stowe moved McCown seconded to give authorization; carried.

Battlement Mesa Assisted Living Center Report

Quarterly report that states some vacancies to fill - the only big concern is that the low income units have filled first and the more expensive ones are left to be filled.

McCown moved and Stowe seconded the Chair be authorized to sign the Senior Housing Options Letter Report for Battlement Mesa; carried.

County Web Site

Kenny Maenpa developed the web site page - this is one of the 24 improvement projects. It is projected to be up and running for this summer.

Media Training

Ed said this is another item on the improvement list. i.e. Jon Benet Ramsey and Columbine incidents. East slope folks will come over and spend a day -May 9th- to share what they've learned about how to handle a big media event. Two sessions: a.m./p.m. Invite key folks from all of the municipalities in the area.

Family Visitor Program

Ed - Standard Contract - recommended signature by the Chair.

Stowe moved and McCown seconded the Chair be authorized to sign the contract with the Family Visitor Program of Garfield County; carried.

Chairman Martin

Gave Commissioners copy of Letter of Support from Aspen Institute - Grant

Asked whether Commissioners had received information from Colorado Animal Rescue, Inc. on their proposed rates to the County for animal shelter up at CMC.

Health Benefit Board Meeting

Held in Limon, Colorado last Wednesday - claims experience was much better than expected. A more attractive fund balance this year than last year - \$1 million. Don't know why. They turned down the request for waiving preexisting condition requirements for Canadian Citizens. Considering coverage for stepchildren - would be a first. New cards being mailed this week. Directories are in. Doing a redraft of all the plan documents so all the coverages are reflected. Another issue was a petition presented to add contraceptives to the prescription coverage. Will be considered during plan renewal discussions this summer. Customer service has been troubling - GARCO wrote a letter and complained and some employees were replaced. Also some added staff at CTSI, Sloans, and NPI. - Board approved more appeals than denied.

COUNTY ATTORNEY

Y Discussion of 1041 Regulations - Mass Transportation - Rikki Santarelli

Mark wanted to discuss and obtain direction on the way to go.

Commissioners input - look at all the information and have Rikki come from Gunnison and discuss them all at one time.

Mark Bean asked for input - site selection for mass transport.

Mark did direct him to proceed with the other two issues.

P & Z Commission - Mark to submit for that Board to review.

Mark stated for future reference Rikki would need to come over toward the end of the week.

Y City/County Agenda

Don submitted a draft agreement to City Attorney Teresa Williams and IGA on land use agreements.

COMMISSIONER REPORT

Walt - Healthy Beginnings Board Meeting, Thursday - preparing for fundraising Auction on 29th

Construction site safety meeting, April 20, 2000, 1:00-3:00 p.m.

Attended last Thursday all day session for Upper Valley Mayor's Meeting - made progress - newspaper reported well - another all day meeting in about three weeks.

John - Communications Board Meeting, April 20, 2000, 1:00 p.m.

Upper Valley Mayor's Meeting held in Carbondale on Wednesday - attended - basic topic was the RTA and how to form that - differences of opinion on bed tax, Aspen's Hotel/Motel Association not in favor - neither is Snowmass Village - GWS already has one.

United Way had coverage in Rifle, photo op, Chamber of Commerce and Ambassador showed up and cut the ribbon - welcomed them to Rifle with their new lease on Taughenbaugh Building.

Retreat for Board members, April 18th, 3 p.m.-7 p.m. at Taughenbaugh.

Meeting tomorrow 7:00 a.m. City/County meeting.

Larry - Town Board Meeting, Wednesday, 1:30 p.m..

DOE meeting Thursday, 1:00 p.m. in Rifle at City Hall

Ed - Americans With Disabilities Act training, in the morning

Appoint Members to the Criminal Justice Board

A letter was submitted by Al Maggard to the Board from the Steering Committee appointed to work on organizing the Criminal Justice Services Board solicited applications for appointment to the Board. The following list was submitted:

District Court Judge - Chief Justice Thomas Ossola
District Attorney - Mac Myers
Chief of Police - Terry Wilson
Defense Board - Greg Greer - Ex Officio
Walt Brown
County Commissioner -
City Council - Bob Zanella
Municipal Judge - Colleen Truden
Citizen Members - 9 members - alternate
Rae Ann Bartels, Rifle
Lynn Shore, Battlement Mesa
Robert Bradshaw, Glenwood Springs
Melissa DeHaan, Glenwood Springs
Bill Evans, Glenwood Springs
Ray Limoges, Glenwood Springs
Rich Hilleary, Glenwood Springs
Jan Kaufman, Glenwood Springs
Al Maggard, Glenwood Springs
Terry Norris, Glenwood Springs
Ex-Officio Members to work on special interest projects and programs
Margaret Long, Rifle, Department of Social Services
Rebecca Rippey, New Castle, Open Gate Assisted Living (Jacobs Center)
Renae Brown, Glenwood Springs, Colorado West Regional Mental
Health

Discussion was held.

Commissioner McCown suggested appointing nine members with an alternate.

A motion was made by Commissioner Stowe to delete Bill Evans and consider him possibly as in an advisory capacity and appoint nine of the remaining 10 citizen members with the possibility of excluding Jan Kaufman and appoint her as the number one alternate in order to have some variety on the Board. Motion died for lack of a second.

Chairman Martin stated that Jan Kaufman has been serving with this program from the very beginning; she carries a history that is unbelievable and he would hate to see her just as an alternate. I would love to see her as part of the team because she does have involvement Statewide all the way down to the local level. Commissioner McCown agreed that Jan Kaufman was an awfully hard worker too.

Chairman Martin - Not to mention she has 3 attorney's in the family now. She has many opinions thrown at her but she maintains the top on most of them. She should be an attorney herself. I'd like to keep her as a full board member. Ms. DeHaan could be the alternate.

Sheriff Dalessandri - reading the letters, he would agree with that.

Commissioner McCown said that motion needed a second.

Chairman Martin - yes it did. Did you wish to make that a second?

Commissioner McCown - no I did not.

Chairman Martin - okay, did you want to restate any other motion that you may have, since it died without a second.

Commissioner Stowe suggested to list all of them and do a point system instead of arguing about who would be first, second or third.

Commissioner McCown - given the credentials of Mr. Limoges, when will he be here?

Sheriff Dalessandri - July.

Commissioner McCown said he sees Mr. Limoges as the logical alternate as he is not here and not available for service. He added that he could maybe reapply, if he is still interested, next year.

Commissioner McCown made a motion - eliminating Bill Evans, making Ray Limoges the alternate appointing the other nine members to the Board. Also including Walt Brown as the attorney from the Defense Bar. And the Public Defenders Office as Ex-Officio.

Commissioner Stowe seconded.

McCown - aye; Stowe - aye; Martin - aye.

Motion passes.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Shirley Willis - Holiday Millennium Tree and Grand Valley Citizen's Alliance

Holiday Millennium Tree

Glenwood Springs gave her a check for \$601

Rifle City Council - \$225

Parachute - \$100

Carbondale - no word yet

Silt - hasn't contacted

New Castle - hasn't contacted

Millennium tree from Garfield County will be a 6'-8' tree - will go into Senate Committee on Energy and Natural Resources - Consider establishing a small fund to cover local expenses of the cost of locating, cutting and delivering the companion tree - Garfield County issued a challenge grant to its municipalities and has raised approximately \$1,500 to support its local efforts.

Grand Valley Citizen's Alliance

Janey Hines

Here to ask BOCC to endorse and support House Bill 1480 which has been introduced by Speaker of the House, Russell George, last Tuesday - will be heard tomorrow morning - nature of the bill is the idea that the commission which regulates an industry should be free from pecuniary interests in the industry which it regulates.

Larry - concern with HB1480 is specificity of just the Oil & Gas Commission - nobody should serve on any commission where they have self-serving interests - questioned why the Oil & Gas Commission was the only one being targeted.

SCHEDULED WORK SESSIONS / DISCUSSIONS / DECISIONS:

Consideration: Coryell Ranch Affordable Housing Deed Restriction

Don DeFord and Larry Green.

Don - asked Larry Green to explain.

Larry Green - the executionary recording of a deed restriction for the seven affordable housing units on Coryell Ranch in Midland Point Subdivisions was a condition of approval of the final plats for those subdivisions - in January needed some additional time to fine tune the language - that has now occurred - have a final document which has been approved by the Garfield County Housing Authority Board of Directors at a meeting in late March - sent original signature versions to Sheila Smith of the Housing Authority for signature - called back and said by mistake the wrong person had signed them - sent new signature copies - now just needs to be either signed by BOCC or reviewed and approved - gave Don an unsigned copy of the final version - here today to bring BOCC up-to-date.

Commissioners want to read and review.

Chairman Martin - move this matter to May 1, 2000, 9:45 a.m. for consideration.

Jail: Review of Negotiations with Haselden

Ed - Contract Discussion with Haselden

1. Offered base bid per plans and specs of **\$14,146,218**
2. Identified **\$1,460,367** in potential savings from the plans and specs
3. Reviewed **all 65 items** of proposed savings with Haselden
 - a. Immediately identified **\$896,000** that we can apply as savings
 - b. Identified **\$195,000** that we need to coordinate with the City or the sheriff before we can apply as savings.
4. Haselden has requested a two day meeting this week with County reps, the subs, and Reiley Johnson to find an additional **\$200,000 to \$300,000**
4. Summary
 - vCurrent project contract amount is **\$13,250,000**
 - v**88%** of all work is to be done by local contractors
 - vTarget of **\$12,900,000** is very realistic
 - vProjected award date is **April 28, 2000**
 - vRecommend Gould start utility work after approval by City
 - {Haselden to deliver scope and projected cost today
 - {Gould has concrete permitting worked out
 - {Haselden will oversee Gould's work at no cost until contract placement

Ed - Don is checking with bond company - Haselden pointed out that County is paying for \$250,000 on the subs - also, schedule could be affected if we don't get moving in excavation and rerouting water and sewer lines.

Don - not sure what the state of knowledge is of the City Engineer and City Public Works Director - that will be critical to how far the City Council can go at meeting tomorrow - County needs to bring them up to speed as soon as possible.

Ed - suggested Randy Withee and Janice speak with City Engineer today once we get the numbers.

Don Hackenson from Haselden - Ed did a good job of recapping the work that has been taking place over the last few weeks - added that as far as Gould and utility issue, worked hard to have the pricing on the City portion in place, but on Friday were presented with more information from engineers, etc., that caused some re-pricing - specification on casing material caused concern and misunderstanding that had occurred between Gould and Schmueser, Gordon, Meyer - should be close to the \$240,000.

Don - asked BOCC who needs to be present at meeting tomorrow to present this item for the County.

Ed - said Janice and Randy definitely - also asked Don Hackenson to be there at 7:00 a.m. - will ask Mark Gould to be present too - asked BOCC for agreement on time around the 28th to make a final decision and go ahead with the general contract - worth two weeks to save \$200,000.

Don - unlike most other awards, hope is that on the 28th the BOCC would actually sign the contract on that date.

Larry - set for 9:00 a.m. on April 28.

BUILDING AND PLANNING ISSUES:

PUBLIC HEARINGS:

Request for Approval of an Amendment to a Conditional Use Permit for an Indoor Shooting Range and Limited Sale of Firearms. Located: Off of County Road 214, West of New Castle. Applicant: David Hatch.

Don DeFord, Kit Lyon, and David Hatch were present.

Don DeFord - determined that proof of mailings, notifications and publication were in order and advised the Board that they were entitled to proceed.

Chairman Martin - swore in the speakers.

Kit Lyon - presented Exhibits for the record: Exhibit A - Green and White Certified Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Zoning Resolution; Exhibit D - Comprehensive Plan; Exhibit E - Staff Report dated February 22, 2000; Exhibit F - Resolution 2017; Exhibit G - Application materials and amendments; Exhibit H - Staff Report dated 4/17/00 with attachments; and Exhibit I - Code Violation Complaint Form dated April 14, 2000.

Chairman Martin - entered Exhibits A-I into record.

Kit Lyon - presented staff report:

Background Information: On February 22, 2000, the BOCC conditionally approved the Hatch C.U.P. for a home occupation. The only condition of approval that had not been met was condition #4. Once a copy of the Federal Firearms License was furnished to staff, a conditional use permit could have been granted. However, applicant was unable to furnish said license because the Bureau of Alcohol, Tobacco, and Firearms (BATF) found that the C.U.P. prohibited the commercial buying, selling and trading or exchange of firearms on the premises. Applicant has returned with a request for an amendment to his C.U.P.

Description of the Amendments: Applicant now intends to buy and sell firearms at his home. He will not keep firearms in stock. He now proposes to conduct live firing of firearms in his indoor shooting range for classes of 5 people or less. Larger classes will shoot at the Rifle Sportsman Range. The hours will still be limited to 1:00 p.m. to 4:00 p.m. on Mondays and 6:00 p.m. to 9:00 p.m. on Tuesdays through Fridays. Anticipated traffic is still one to five vehicles per week.

Garfield County Sheriff's Department: Amended application was sent to the Sheriff's Department for comment. Jim Sears notes that Inspector Canon of the BATF neither inspected nor approved the indoor shooting range. He did visit the range and discussed with Mr. Hatch the responsibilities of possessing a firearms license. Jim Sears had requested additional information regarding the types and caliber of weapons to be used, the soundproofing and the first aid equipment. Mr. Hatch responded that the range was designed for small caliber handguns only. It's located underground outside the foundation of the house and is soundproof. An 8" electric fan vents to the outside and the lighting design minimizes shadows and glare for safety. All lights and electrical conduit are covered with deflector shields made of 1/4" steel. The range is 45' long 8' wide 7' tall at the firing line and tapers to 8' tall at the backstop. The backstop is 9" thick railroad ties with 2 layers of 1/2" rubber belting. The first aid kit and telephone are located just outside the entrance to the range. Jim Sears did confirm that the new information was adequate and that his only remaining concern was assurance that the shooting range facility meet the building code requirements.

Public Comments: On April 12 the Garfield County Code Enforcement Officer, Steve Hackett, received a complaint about an alleged illegal home occupation being operated at this site. Steve and Danae Morris adjacent property owners object to the amount of traffic already being generated by the alleged "commercial beauty salon business" which has been operating for a year or more by their account. Kit received a phone call from Leonard Ivy who is also a neighbor. He asked that his comments be entered into the record. He is opposed to issuance of the permit, and he objects to the traffic and the beauty salon currently being operated. In Exhibit I, the complaint received on the 14th notes that customers drive at excessive speeds and that there is deterioration of the road and that there is concern about chemicals used in the beauty salon business being discharged to a leach field and the threat to their well water.

Major Issues and Concerns: According to the C.U.P. any home occupation must not create the appearance or impact of a commercial activity and must have a C.U.P. in order to operate. If an illegal business is currently being run from the home, any approval previously obtained by Garfield County would null and void until the applicant came into compliance with the regulations and the resolution of approval. It is necessary to resolve the allegations prior to granting any subsequent C.U.P. for expansion of uses on the property.

Recommendation:

Staff recommends **APPROVAL** of the proposed amendments to resolution 2000-17 with the following conditions of approval:

1. That all representations made by the applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners. These representation include (but are not limited to):
 - vThe purpose of the permit is to offer basic firearm instruction and the buying and selling of firearms as a home occupation. All business will occur indoors;
 - vHours will be restricted to 1 p.m. to 4 p.m. on Mondays and 6 p.m. to 9 p.m. Tuesday through Friday;
 - vNo business signs will be posted;

- vThe number of vehicles accessing the site per week, in relation to the home occupation, will not exceed five (5) vehicle trips per week.
- vFirearms will not be kept in stock, but will be ordered on an as-needed basis.
- 2. That all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended, shall be fulfilled.
- 3. That the applicant shall comply with the Colorado Department of Health regulations;
- 4. A copy of the instructor's current and approved federal firearms license and NRA certification will be kept on file with the County Planning Department. If, at any time, this information is not kept current and on file, the conditional use permit will be invalid;
- 5. The home occupation shall maintain a residential character and shall not become a retail establishment or cause a commercial impact;
- 6. The home occupation will involve:
 - a) classroom type firearms instruction with five or fewer students
 - b) the firing of firearms within the indoor shooting range with five (5) or fewer students
- 7. The indoor shooting range shall meet all building code requirements. Written confirmation from a Garfield County building Inspector that the shooting range meets the building code will be required prior to issuance of a conditional use permit;
- 8. That the applicant agrees to allow the code enforcement officer, Steve Hackett, to inspect the interior of the buildings to confirm whether or not an illegal business is being operated. No conditional use permit will be issued until written confirmation from the code enforcement officer of compliance with the regulations has been received by the Planning Department staff.
- 9. This approval replaces the approval of resolution 2000-17, rendering the previous approval null and void.

Applicant comments:

Applicant's Exhibit 1 - Map of the Neighborhood

Every house with an check on it already runs a business out of their house - addressed alleged illegal business - when house was being built, planned for wife to run business out of the home - because of poor health only does salon business for friends and family - basement has the appearance of a beauty shop in it, but as far as a full-fledged business, it is not.

One to five vehicles up the road is a worse case scenario - will teach maybe four classes a year - if there are more than five students, will teach it somewhere else - checked into renting the Rifle Fire Department for classes - if there are more than five students, will shoot at the Rifle Sportsman Club - second page of Exhibit 1, copy out of the BATF Rules and Regulations, "The Right of Entry and Examination" - if at any time he was doing anything illegal as far as business was concerned, any one of the neighbors can call BATF and he would be immediately shut down - may sell five to ten guns a year - belongs to the Rifle Sportsman Club - has over 300 members - one must be nominated and voted on to become a chairman of one of these disciplines - was voted by over 300 members to become the Action Pistol Discipline Chairman - professional - certified to teach - next page, copy out of the Glock Sports Shooting Foundation - club he and his family belong to - shoot competitively as a sport.

Public input:

Steve Morris, 6601 214 Road, New Castle, CO - took a petition around the neighborhood opposing any commercial business being operated in a residential area as proposed by Dave Hatch for buying, selling, trading and the firing of firearms - most households in the neighborhood have children ten-years-old and younger - had a five-year-old son who will walk down the one lane road to board and embark from the school bus this Fall - traffic created by hair salon business and probably with this business, it will be too much - fear for the safety of their children - runs a mobile windshield repair service - has an answering machine, fax machine and a typewriter at the house - no windshield repair at his home other than his own.

Linda Jenks Colby, 6765 Peach Valley Road, New Castle, CO - just heard about this on Saturday - comments will be spontaneous - do object to this particular occupancy - we are a community on Peach Valley Road - easy going - not so much the matter of doing business from one's home in Garfield

County - we have to be creative to make a living, it's hard - teacher - involved with a group of young people over at Apple Tree at the Garden School - it's a nurturing perspective we try and sustain out there - final project is an off Broadway musical of a Sherlock Holmes story - last scene has been rewritten to not include the mention of a gun - want to send a message that guns as a way of dealing with things in our society should be downplayed - teach at CU in Boulder - all three of her writing classes chose to use the state of American education as their focus for the entire semester - had students from Littleton who had powerful ideas about keeping guns as a part of our culture - knows it's not a popular stand on the Western Slope - important one - keep asking her if there isn't a way to say they want fewer guns as part of their culture and society - as a community people in Peach Tree Valley sustain gentle values - important to encourage that in American today.

Steve Hatch - Mr. Morris has fixed windshields in cars parked on my driveway - asked Miss Colby if she taught piano lessons in her home - yes - almost everybody in the neighborhood has shot a gun against the Hogback, target practice - Hansons, Nepps, Morris have all shot outside their homes - the Hogback gets hunted - we're not in the City - built the underground shooting range to not irritate his neighbors - could have just shot outside - business hours are from 6-9 p.m., no children getting on or off the bus at that time - an hour of the class he teaches is taught by law enforcement.

Stowe - describe the businesses Bowles, Hanson, Nepp run out of their homes.

Steve Hatch - Bowles have a sprinkler system business - he brings a trailer home - the Hansons run a construction business - Nepps don't live there - house owned by parents - two brothers run a business there - have employees that sometimes park there - one house down the road on the bottom portion of the road, has six to eight employees show up every morning.

Stowe - how many customers does wife have on an average day.

Steve - depends on her health - seven days ago was Prom in Rifle - Morris' daughter had begged for an appointment to get her hair done for prom - wife had to decline because of health - two days later BOCC received a letter about "illegal business."

Stowe - how many customers in the last year on an average day.

Steve - no more than three - an average of three in a three day period.

Stowe - does she get paid?

Steve - there's some pay - some barter - trade services - it's a business that is ending.

Leslie Knepp, 140 Apache Drive - our parents do own a house up there - wrote a letter this morning - submit as a Citizens' Exhibit #3 - don't mind businesses being run up there - minds the vehicle travel that would be generated - road dust - vehicles which already use the driveway drive too fast - read her letter.

John Hanson, 6609 CR 214, New Castle, CO - do run a construction business out of their house - don't produce any traffic up and down the road except for an occasional employee or a client meeting - biggest concern is traffic up and down the road - road is very narrow, bumpy - want to keep travel down to a minimum - unaware that Mrs. Hatch's health was failing - also concerned about the well water - not clear on which chemicals are used in the hair business - concerned about Hatch's septic leaching into their well water.

Kit Lyon - clarified for public the definition of "home occupation" - not prohibited to have a home office to run a business from the house - it's only when there's any impacts generated to the neighborhood from arriving customers.

Stowe - moved to close the Public Hearing; McCown seconded; carried.

McCown - motioned to approve the amended Conditional Use Permit with said recommendations of approval by staff 1-9; Stowe seconded. Discussion.

Stowe - appreciated what Dave is trying to do with training and the proper use of firearms - concerned that Dave is running two businesses - wife's business will soon cease - one of the recommendations states that the code enforcement officer can check on that and if that doesn't happen, then C.U.P. would become null and void and Dave could not run his business.

Dave - Jim Sears was scheduled to show up at house last week to inspect everything.

Stowe - reminded Dave that he was not allowed to talk at this point - the other condition that is of concern is if Dave has more than five vehicle visits to his house each week, then C.U.P. would become null and void - even if BOCC approves it, there are some avenues your neighbors could use should Dave continue to go along with beauty salon or should he upscale and have people come on a daily basis - C.U.P. would be revoked - if it were just the C.U.P. for the firing range, would have no problems - but wife's business is commercial and should be on commercial property.

McCown - agreed with Walt - approval sets forth guidelines on how Dave must conduct his business - any violations of those guidelines would entail revocation of Conditional Use Permit - a business is a business - BOCC must look at the legal approval of an activity and the governing of that activity.

Motion carried.

Chairman Martin - you have been approved - be aware that these recommendations are very stringent - must be followed to the letter - neighbors will make sure that you do.

PUBLIC MEETINGS:

**Request for Approval of an Amended Plat for Portions of Tract 39, 41 and 42, Antlers Orchard.
Located: Between Rifle and Silt along County Road 229. Applicant: Lyon Land & Cattle Company LLC.**

Don DeFord, Jeff Laurien, Melody Massey and Kelly Lyon.

Don - determined notification to residents was adequate and advised the Board applicant was entitled to proceed.

Jeff Laurien - gave staff report:

The proposal is for an Amended Plat to adjust two (2) lot lines between three (3) adjacent lots so that the existing subject tracts 39, 41, and 42 will be more equal in lot area.

Recommendation:

Staff recommends **APPROVAL** of the applied for Amended Plat with the following conditions to be met for Final Plat recording:

That all representations of the applicant, either within the application or stated at the meeting before the BOCC, shall be considered conditions of approval.

The proposed road access must be named and labeled as such on any Final Plat. The name must be accepted by Garfield County.

The proposed tracts must be changed so that their boundaries end at the outside edge of the proposed forty foot (40') access right-of-way, and not go to the middle of the proposed access road.

Accurate acreage for the proposed tracts will have to be labeled on the Final Plat to reflect the change in acreage due to condition number three (3) above.

An access permit for the proposed access road must be obtained from Road and Bridge. As per Road and Bridges comments, some brush cutting will be required, and the applicant will have to move the fence along County Road 229 to the right-of-way line.

A Homeowners' Association must be formed and include in its bylaws, a road management plan which will ensure the proposed access road will be maintained year round.

A Subdivision Improvements Agreement must be entered into to ensure all necessary improvements are completed.

County Road 229 must be labeled as such and not as County Road 216.

Well permits must be obtained for each proposed tract (Tracts 39B, 41B, and 42B).

All physical water supplies (all three proposed individual wells) must demonstrate the following prior to the signing of the Final Plat:

The Colorado Department of Public Health and Environment setback standards with reference to Isis will apply.

- a) That a four (4) hour pump test be performed on the well to be used;
- b) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c) The results of the four (4) hour pump test indicating the pump rate in gallons per minute and information showing drawdown and recharge;
- d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- f) If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and how assessments will be made for these costs;
- g) The water quality tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

The proposed access road will have to meet county road standards, being, Section 9:35 of the Subdivision Regulations for a semi-primitive road. This includes, but is not limited to, a minimum forty foot (40') right-of-way, an eight foot (8') lane width in each direction, two foot (2') shoulder width on each side, and a four foot (4') ditch width on each side.

All existing drainage, irrigation and utility easements and/or right-of-ways must be maintained as they currently exist and be depicted on any Final Plat to be recorded.

A plat of an approved or conditionally approved Amended Plat shall be presented to the Board for signature within 120 days of approval, unless extended by the Board. The plat shall include a legal description of the Amended Plat, and the County Commissioner's Certificate. The plat shall be recorded with the County Clerk and Recorder no later than thirty (30) days after the Chairman's signature. The Chairman of the Board of County Commissioners shall not sign a plat of a conditionally approved Amended Plat until all conditions of approval have been complied with.

Melody Massey - willing to comply with all the recommendations - will be building the road according to the final plat - will follow all requirements.

Citizen Mark Eaves, 629 County Road 229 - hasn't seen the amended plat - wondered about the removal of the fence on the north side - satisfied that this line was not being moved.

Stowe - made a motion to follow the recommendations of staff and approve the Amended Plat for portions of Tract 39, 41, and 42 of Antlers Orchard and readjustment of the interior property lines; McCown seconded; motion carried.

Discussion with Colin Laird - Healthy Mountain Communities: Regional Affordable Housing Initiative Report

Colin Laird - would like to engage in a discussion about the initiative and some of the next steps - looking for thoughts and suggestions - end of last year coordinated a Regional Affordable Housing Initiative and had citizen representatives and elected officials from Basalt to Glenwood area, plus Eagle County - talked about ways to approach affordable housing in the lower part of the Roaring Fork Valley - had RRC Consultants from Boulder and other consultants from around that State - they looked at a variety of approaches to affordable housing based on recommendations from the citizens - final report

presented today - two page summary has key points - Garfield County supplied \$5,000 for the legal analysis to make sure that any affordable housing approaches taken by local governments have the legal foundation to do so - housing prices have doubled - incomes have only gone up by a third - over fifty percent of houses built are for people who make a lot more than the median income - came up with 3 main recommendations:

Residential and commercial development have an impact on affordable housing in that if local governments wish to play a role in the affordable housing process having mitigation ordinance for commercial and residential would be appropriate - have legal foundation for each local government to do that - question would be whether they want to and what level of mitigation - i.e. Basalt has one for commercial and residential and it's currently at 20%, Carbondale and Glenwood Springs don't have anything.

Administrative tasks associated with affordable housing, i.e. deed restrictions - many local governments not interested in hiring another person to work on their staff - looked at framework for regional administration - create a nonprofit board of elected officials from the region and contract with the Garfield County Housing Authority.

No regional forum to discuss this - grant funds were received from the Aspen Valley Community Foundation for a regional meeting on affordable housing.

Stowe - in this analysis how many FTE's would it take to possibly administer this?

Laird - 1½ - but that's when it's really going - a year or two where not as much money will be spent.

Stowe - need to get cities on board - identify a source and funding mechanism for that source - cooperative - do have funds to have the meeting.

Mark Bean - issue that needs to be dealt with on a valley-wide basis - everybody needs to be on the same page and discuss the same types of regulations to make it work effectively.

Laird - asked when BOCC could meet.

Stowe - asked what kinds of problems Laird foresees if the Garfield County Housing Authority manages property in out-of-county areas? - jurisdictional boundaries?

Laird - two of the options were to expand your board to include a larger region or create another board that Basalt and Eagle County would have to kick in to make sure that the authority had the resources it needed to administer their programs - no one would expect Garfield County to do that - real interest in making sure that everyone is on equal footing in terms of that board - it's a function of how many units there are.

McCown - the first critical thing is to get everybody on board with some type of an ordinance that provides affordable housing - there are only two players in the Valley that are doing it - the biggest houses are not participating.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Amended Plat Concerning Lot D42, Aspen Glen Filing #1.
- c. Sign Resolution of Approval Concerning the Preshana Farms Planned Unit Development Zone District Text Amendment.
- d. Sign Agreement for Reoccurring / As-Needed Planning Services with Community Works, Inc.
- e. Sign Agreement for Reoccurring / As-Needed Planning Services with Lukas E. Hill.
- f. Sign Resolution Concerned with Amending Resolution #99-096 Regarding Scrivener's Error
- g. Sign Amended Final Plat of Lot 2, Englund/Moore Subdivision
- h. Sign Amended Plat of Lots 6 & 7, Block 1, the Fairways, Phase 1

Mildred Alsdorf - we have everything on the Consent Agenda except "b" - Mark said we are waiting for it to come in from Sam - would like to have the Chair authorized to sign when available.

Stowe - made a motion to approve the Consent Agenda exclusive of Item "b" and the give the Chair authorization to sign on "b" when it is properly prepared; McCown seconded; carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cindy Crandall, 45851 Hwy. 6 & 24, Glenwood Springs, CO and Terry Brass, 1473 Odin Drive, Silt, CO

Cindy - here to update the Board - Terry is director of animal shelter, Colorado Animal Rescue Shelter (CARE) - has not finalized anything with the City - have enclosed with letter the Eagle contract with Mid-Valley Kennels - could serve as a guide - we probably need to know the number of kennels and cat cages County may be interested in reserving - Eagle contract has a base charge (\$1,700/month) and then anything over that is on a per dog or per cat basis.

Chairman Martin - with extreme cases of disease, etc., will CARE be able to put the animal down - or quarantine?

Cindy - yes - behavior and extreme health problems - won't put them down up there - will always be done at a vet's office - does have a euthanasia statement that makes that clear - otherwise a "no kill" shelter.

Chairman Martin - that is also with the order of the Court to destroy an animal - and when is grand opening?

Cindy - June 10th.

Terry Brass - have joined the Chamber and will do a ribbon cutting with them.

OTHER ITEMS

Housing Authority

Mildred Alsdorf - asked Board if they were going to appoint a new member to the Housing Authority - Sheila Smith said someone needed to be appointed from the Carbondale area.

McCown - made a motion to appoint Joede Schoeberlein to the Garfield County Housing Authority Board; Stowe seconded.

Chairman Martin - until January 1, 2001.

McCown - they are not anniversary dates - they are calendar dates - they would be up again the first of the year, he assumed.

Motion carried.

Sheriff's Office

Chairman Martin - spoke with Sheriff and Under-sheriff about the Model Traffic Code and the Animal Control - they are not interested in either one - now that we have an ordinance and the facility, we don't have the personnel, equipment or interest to get it done.

McCown - has had several calls from the Battlement Mesa area on dogs.

Chairman Martin - there was one solution for the dogs at school - maybe if the School District would buy the material, the County would finish the fencing around the play area - give the children protection from stray dogs - County will provide the labor to build the fence - needs to check with Ed on this.

REGULAR AGENDA

BOARD OF HEALTH

McCown - made a motion to go into Board of Health; Stowe seconded; carried.

Mary Meisner presented the following:

PUBLIC HEALTH PROGRAM UPDATES

- A. W.I.C. (State audit results - did fine; State pleased with changes; Sandra Barnett stepped down as WIC director; Christine Singleton, registered dietitian, is now in charge of WIC program; caseload is 900-950)
- B. Immunization program: in schools doing Hepatitis-B - overseas immunization program continues to grow; will try to project the increase they anticipate - travel protection
- C. Well Health Child Program (educational program to daycare providers; also doing communicable disease class)
- D. Health Care Program for children with special health care needs - staff being invited to school staffings for input
- E. E.P.D.S.T. - Early Periodic Diagnostic Screening and Testing - retreating with staff and asking for staff input for what has worked well and what needs to change

NET WORKING AND COLLABORATION UPDATES

- A. Dental Task Force - Miles for Smiles van saw over 100 children who were in need of dental services - board meeting this Wednesday - have new coordinator
- B. Columbine Family Health Center (Mt. Family Health Center) - board meeting this Wednesday night - people from the Federal level here going to be listening in on board meeting - interviewed by Federal on Thursday - \$300,000 per year for the next three years in Federal dollars
- C. Western Slope Health Officers Task Force - meeting was in Delta - heard what is going on in the region - Rocky Mountain HMO may not be doing flu shots in outlying areas this year - did not project that in the budget - and cost of flu vaccine has gone up - may have to ask for supplemental money

ANNOUNCEMENTS

- A. Public Health Director (Mary Meisner) in "Who's Who" of Professional Management 2000 Edition
- B. Retreat for Development of 1-3 year strategic plan for Garfield County Public Health is scheduled for Public Health Nurses July 12, 1000 at the Rifle Mountain Park Shelter House.

HEALTHY BEGINNINGS - Lisa Pavlisick will present

Statistics:

Enrollees - 83 patients since January 1, 2000 - 25 in the first trimester

Deliveries - since January 1, 2000 - 62 babies - no low birth weights - only 1 baby born 1 week earlier than 37 weeks

Current Active Patients - 31 Post Partum - 115 Active Prenatal

Healthy Beginnings in Rifle:

At Public Health in the Taughenbaugh Building - will be open one day per month

starting 5/3/00 - 1/3 of caseload coming from New Castle to Parachute area

Operations Funding Front - received \$15,000 grant from the Aspen Valley Community

Foundation - double what it was last year - \$9,950 allocated by United Way of Garfield County for 2000 - Municipalities totaled \$7,040 for 2000 - still

outstanding is a \$5,000 grant with the Anschutz Family Foundation

Dinner Dance & Auction: sent out 96 invitations - at 161 reservations - targeting 200

individuals to attend - great press coverage

McCown - moved to come out of Board of Health; Stowe seconded; motion carried.

HUMAN SERVICES COMMISSION

Bruce Christenson - Mountain Valley Developmental Services

Services for people with disabilities or developmental disabilities - Mountain Valley is only provider in the Valley - Mountain Valley is one of twenty organizations designated by statute as community center boards - community-based service delivery system for people with developmental disabilities - our service area is Eagle, Garfield, Pitkin, and Lake Counties - is the Rural Resort Region with the exception of Summit County - we have programs located in Leadville, Vail, Rifle, Carbondale, Glenwood, and Aspen -

operations and facilities we own in all of those communities except for Leadville and Aspen - services offered are support for people with disabilities and their families, ages birth through death - early intervention program for young children under three - family support program for families with children where direct financial assistance can be provided - biggest programs are adult services, which was initially housed in Glenwood - residential, vocational, and day activity program - have in the last year purchased a house in Rifle and have a group home there - trying to do more things in the west end of the County - 75% of the people they serve are in Garfield County - in the last year served 302 individuals and families in the four county area - largest group was children under age four - programs are licensed, certified or approved by half of state government - primarily the Department of Human Services, the Department of Health, and the Department of Education - unique in that all services offered by Mountain Valley are accredited by an international accrediting body - annual budget of \$4 million - 100 employees - payroll in Garfield County is \$2 million - \$3.3 of total budget spent in Garfield County - reason for that is that there are 79 people living in residential facilities, responsible for 24 hour, 365 day/year housing, clothing, medical needs, etc. - in existence 25 years this year - greatest strength of organization is community openness to including people MV works with in community life - have fantastic employment opportunities for the people they work with - number of people make so much money they are in danger of losing their benefits - most services funded by Medicaid - interesting paradox - financial stability is good - own a great deal of real estate - big challenge is work-force issue, constantly running 10-15% short - places like McDonalds can set the price of a Big Mac to meet their local market costs, we can't do that - costs are fixed by the State - number of Latino families is impacting them substantially - added cost of translators - trying to find bilingual/bicultural staff people that they can afford to hire is a significant issue - also dealing for the first time with an aging population - historically people with developmental disabilities did not live past their 40s - there is a lady who is 83 in the program - medical issues are becoming significant because of this - mental health crisis services are a real problem - there is not a single inpatient bed in any of the four counties with which they work - very difficult people were placed in State institutions - that doesn't happen anymore - serve everybody in the community except people who pose a significant risk because of criminal behavior - have to find a way to meet the crisis needs of some folks - used to use the ATU out at Colorado West - not here anymore - cannot have the sheriff transport people in chains to Grand Junction or Denver who are having a psychotic episode - as a community we need to come up with a way to meet those needs.

Chairman Martin - we may need to build a facility to deal with elderly folks as well as severely mentally handicapped - like the Columbine facility in Parachute - some kind of center with little township around it .

Bruce - back in the 1980s built a group home in Carbondale that is wheelchair accessible - right now working with several foundations trying to find a way to add on to that facility - own 5 1/2 narrow City lots - have a little room to expand - working with Margaret to get someone from out of the area to open a secure facility - we may have one or two people who pose a big risk in terms of potential criminal behavior - have a lot of people with mental health issues that become very disoriented on a weekly basis.

Chairman Martin - that's why we need a facility with a community within.

Bruce - try to be good neighbors - counterpart programs in other parts of the State have real problems placing people in neighborhoods - we've never had that problem in any of the neighborhoods we've been in - we do what neighbors do for each other, helps build good relationships - BOCC gives them \$29,000 a year.

BOARD OF SOCIAL SERVICES

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; carried.

Commissioner McCown - moved to come out of Board of Social Services; Commissioner Stowe seconded; motion carried.

AIRPORT EXECUTIVE HANGAR DEVELOPMENT CONCEPT PLAN

Carolyn Dalghren, Ken Maenpa, Joe Hope (of High Country Engineering) and David Gordon were present.

Ken Maenpa submitted a letter from Gordon Consulting Group, Inc. - stated they have interest in building aircraft storage hangars at Garfield County Regional Airport.

Ken reviewed the contents of the proposal - states they want to construct a series of 7 aircraft storage hangars with a total square footage of 12,800 sq. ft. and the proposed leased area is 72,056 sq. ft.

The concept plan is flexible enough to adjust the size of the hangars in order to meet specific needs based upon further market research.

Ken - would like to obtain the approval of the Board for the conceptual development.

David - would like to begin negotiations for a long-term ground lease at the ground lease rate of \$.16 per square foot per year - annually adjusted by the Denver/Boulder CPI - the term is 30 years plus 2 additional 5-year options - this will project additional revenue to the County.

Ken - there is a lot of flexibility with this type of concept - will also be improving the Taxiway - would be built in phases.

Ken - this is the greatest and best use of this property - there are larger hangars - this relates to the smaller aircraft owners

The Commissioners approved the concept and agreed to begin the negotiations.

ENERGY IMPACT GRANT: DISCUSSION & PRIORITIZATION

The following submittals were presented:

- { City of Rifle - Northwest Water Tank Construction - B
This is to assist the City in building a high elevation water tank which should have been constructed during the Shale Oil building boom. The project cost is estimated at \$1,355,250. The City requests \$542,100 or 40% of the cost. 466 existing residential units would benefit from this required tank - 85% were constructed during the oil shale boom.
City Manager Selby Meyers and David Ling, Mayor, gave the presentation.
 - {
 - { Town of Parachute - A
The Town is proposing a street restoration project consisting of paving the streets; that are 20 years old. Much of the traffic onto these streets during the past 5-7 years has been related to oil/gas development and construction.
Juanita Satterfield gave a brief on the project in Parachute.
- Vote: lowest number wins.
- Parachute: won by one (1) vote.

PUBLIC HEARING: ABATEMENT - UNION PACIFIC RAILROAD

Steve Rippy and Shanon Hurst presented the abatement for Union Pacific Railroad.

Chairman Martin swore in the speakers.

The abatement resulted from the transfer of Union Pacific for 33 miles in Garfield County. \$32,554.46.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the abatement request for Union Pacific Railroad of \$32,554.46.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss personnel issues and pending litigation; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

OTHER ITEMS

Larry McCown asked for direction from the County Attorney on the Request for Action on the House Bill related to oil and gas.

Don - reviewed it briefly - confirmed what he heard about the Bill - it requires that individuals appointed to the Oil & Gas Commission have no conflicts, cannot be employees or principals in a company that is regulated by the Oil & Gas Commission, nor can they own stock in a company that is regulated by the Oil & Gas Commission.

Larry - will be a hard to fill a board under those conditions - need experts.

Ed - retirees from that industry usually have a lot of stock in the industry.

Don - there are other ways to approach the problem.

Larry - made a motion to direct the County Attorney to contact Shirley to move forward with their attorneys and the litigation of the oil and gas issues; Walt seconded;

Don - before you vote on that motion does the motion include with it the understanding that the County Attorney budget will see necessary amendments to compensate this law firm as we go through the course of this litigation.

Larry - do we want to apply an amount not to exceed - uncomfortable with turning these guys loose.

Walt - would like to review it at \$70,000.

Don - you will be reviewing it every month - does not want a public record on the amount that we will be expending on attorneys - but it should be an amount that is consistent with the confidential communication we receive from Mr. Eddy on April 17, and if it exceeds the upper limit of that figure, then it must be reviewed by the Board and approved - will bring every bill to the Board - 85% of the maximum amount.

Chairman Martin - are you amending your motion.

Larry - yes.

Walt - amended his second.

Motion carried.

Recess:

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until 7:00 a.m. tomorrow, April 18, 2000.

APRIL 23, 1999

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 8:00 A.M. on Friday, April 23, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

RFRHA

The Board met to discuss the issues currently involving RFRHA and the rail corridor. Don DeFord gave the Board the option of discussing RFRHA in open or executives session.

Executive Session - RFRHA

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

APRIL 28, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 10:00 A.M. on Friday, April 28, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 10:00 A.M.

Present: Guy Meyer, Harvey Whitcomb, Tim Arnett, Randy Withee, Bob Johnson, Jesse Smith, Don DeFord, Jim Sears and Dan Hall.

EXECUTIVE SESSION - CONTRACT NEGOTIATIONS

DISCUSSION AND FINAL ACTION ON AWARD OF CONSTRUCTION CONTRACT FOR THE GARFIELD COUNTY DETENTION CENTER

and;

DISCUSSION OF EXTENSION OF SUB-CONTRACTS ON GARFIELD COUNTY DETENTION CENTER

Ed Green were requested to be in attendance for this discussion at the beginning; then later perhaps members of the staff of Reilly Johnson, Haselden Construction and County staff for questions and verification is necessary.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Sources of Funding

Jesse Smith, Administrative Services, prepared a memo giving a description of the funds available to the jail and where they were coming from - this included borrowed funds and cash on hand.

Jesse explained his position. The main thing to note in the description is that taps, permit and development fees are gratis from the City of Glenwood Springs; the total project cost therefore is different from the total cash needed. The difference between these two is \$319,000.00. Cash actually coming in from the City is \$530,000 made up to two amounts - utilities and demolition and taps, permits and development fees. \$766,000 plus is interest off the certificates of participation that is expected to accrue over the life of the loan.

The cash from the County is \$2,198,000.00 and has been put aside for the jail and also from capital funds. Jesse added there are a number of items under miscellaneous coming out of the year 2000-2001 budget from operating funds. This goes for the kitchen, small wear, furniture and equipment.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the contract to Haselden for \$13,250,000 as per the notice of award and also move that the chair be authorized to sign such agreement once the staff has finalized the terms of the contract with Haselden.

Discussion items - Haselden - 4% contingency. Commissioner Stowe said the County will be dogmatic when it comes to looking at change orders; therefore the realization that there is not to be a lot of fluff. As long as Haselden is comfortable with this, the we proceed.

Don mentioned that the documents attached to the Notice of Award should be attached. If the Board goes forward and votes to approve this Notice of Award, Don has already scheduled the conference for 10:00 A.M. on Monday to be given finalization of a contract in which most of the language is in place. The contract would be ready for execution very early next week, no later than Wednesday. Once the appropriate bonds and insurance commitments have been received from Haselden, we would go forth with the contract and a notice to proceed.

Motion carried.

Contracts with Subcontractors

Don explained the existence of four contracts in the nature of subcontractor agreements which by signature of the contract with Haselden, we will assign the subcontractors contacts to Haselden. These are with Sierra Steel, Gould Construction, Inc., Permanent Builders, and Stress Con. Those contracts expire today but a few additional days are necessary to complete negotiate and assign those contracts, Don requested the Chair to be authorized to execute a change order for each of those four documents extending the time for completion for two weeks. Joe Howe of Haselden has been informed of this issue. Joe mentioned he had spoken to each of the subcontractors and they are prepared to accept the extensions.

Commissioner Stowe moved to authorize the Chair to sign the four change orders as discussed. Commissioner McCown seconded; carried.

Resolution - Designation of the Final Representative for the Press

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the resolution to assign Jesse Smith as the point of contact for U.S. Bank for the jail project; carried.

Administrative Change Orders

Janice Loucks, Randy Withee, Tim Arnett, Ed Green and Sheriff Dalessandri - Jail Administrative Team

Ed requested that changes under \$10,000 be authorized to be approved by administrative staff without Board involvement.

Commissioner Stowe asked for a sum total of those be made known to the Commissioners.

Ed suggested a running log of the change traffic going on. He agreed to keep a log and apprise the Commissioners of it.

Commissioner Stowe made a motion that Ed Green be given the authority to approve changes under \$10K as reviewed by the engineering and the sheriff departments. Commissioner McCown seconded the motion; carried.

Processing Payments

Ed explained that Randy Withee will be in charge of payment traffic receiving payment requests from Haselden, Reilly Johnson and others. Recommending approval of that payment and recommending source of funds for that will be forwarded to Jesse Smith. Jesse would verify funding sources and do any coordination with the trustee to effect payment for work that's done within the four walls. Ed proposed that if the payment is for more than \$10,000 then Ed would follow the process in place in which he has to sign it as the financial officer; for payments less than \$10,000, Jesse and the Controller's office can go ahead and proceed with paying. The check would be issued by the Controller and Tim Arnett will keep a log of all payments and track retainage on the project on a continuing basis.

Commissioner Stowe moved to approve the payment approach as Ed just described and laid out to the Commissioners. Commissioner McCown seconded; motion carried.

Media and Access Site Issues

Ed Green suggested making Dale Hancock the responsible staff member for media and he would coordinate all press releases related to facilities construction of the jail; any requests for site visits would be focused through Dale and he would arrange for those. On a weekly basis, Randy would be responsible for the coordination meetings between Haselden, Reilly Johnson and other parties. Site access should be coordinated with Haselden through Randy; the Sheriff does intend to conduct periodic security tours through the site and with respect to that, the Sheriff should work directly with Haselden.

Press Visits - Vendor Visits

These will be done through Dale; and Randy is coordinating site visits such as vendors and others.

Ed explained that Dale should be in the loop as far as press visits is concerned.

Chairman Martin asked if there was approved for this approach.

Commissioner Stowe so moved. Commissioner McCown seconded; carried.

Questions by the press - citizens

Michael Watts - Garfield County resident wanted to make one brief comment. He said he has confidence in the Commissioners and how they are spending his money. But he wanted to reiterate that is a lot of money and even before we get the hole dug, the price has already gone up. He hopes the Commissioners scrutinize change orders as this is a large endeavor. He said the Commissioners were aware of his opinion as far as payback issues etc. He appreciates their effort in this regard to try and keep the price down while getting a good product. Lastly, he wanted to remind John Martin that he did obligate himself when he approved the site, to put the roof on if it was over and it seems to be \$350,000 already outstanding. Chairman Martin thanked Michael Watts for all his involvement over the duration of the jail. He said this is a way of doing business that we have to pat someone on the back and say thank you very much for your patience, understand, also for the tenancy of making sure that this project does get accomplished -- Michael is representing the voters of Garfield County.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest:

Chairman of the Board

MAY 1, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 1, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR UPDATE

A. Employee of the Month

Rob Hykys was award Employee of the Month for May 2000.

B. Henry Building

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the improvements. Motion carried.

Don DeFord was not available and a motion was made by Commissioner Stowe and seconded by Commissioner McCown to postpone the Executive Session; carried.

C. Preparation of CAP for Rifle Shop

Ed and Janice - gave the update to the Board.

Janice said that the reports have been reviewed and currently an assessment is being done.

Mr. Schupt was contacted and said that time was not an issue.

Ed sent a letter, however, the Board needed to approve.

Function of the wells.

Asbestos Abatement was contacted.

Commissioner McCown wanted Don DeFord to be included. Closure needs to be done.

D. Update on the Ball field Lease

Ed said the feedback is that notification of 6 months was too short a time frame. This will be changed to 11 months. The second problem was to have the County reimburse the School Board for costs of updates.

This serves no purpose to the County. Ed talked to Leonard and a revision to the lease was made.

The Board agreed that Ed should proceed.

E. Fairground Contracts - 5 Events

Western Slope Motor Sports; Ernesto Leon (4) Events; Grace Mission Outreach Center; and the High School Rodeo.

Commissioner Stowe congratulated Toni for having the contracts in place prior to the event.

A motion was made by Commissioner McCown to authorize the Chair to sign the Fairground Agreements as listed above. Commissioner Stowe seconded. Motion carried.

F. Disposition of Fairgrounds Buildings

Ed submitted old photos and the question is which old building structures to get rid of and which to use in other places.

Janice and Toni presented the report.

Janice stated that most of the structures were not structurally sound. Some are no longer functional. The Middle Barn was not bolted and is re-useable. Some of the other materials were recommended to be salvaged.

A conclusion was made that the old barns were improperly taken down.

Ed mentioned that the Workenders were used and there wasn't enough direction given.

RMH design for the inside of the Arena (Events Center) - Mechanical and Electrical
Janice stated this will be available at the end of the week and then contracts will be out.

Fill Material for the Arena Floor

Toni Penton said that Gould came in and provided some work. Workenders have been on-site picking up rocks that came to the surface. Road and Bridge needs to come in and pack it down. As money is available more improvements should be made. Toni said that sand and dirt is the best arena floor. The Colorado Quarter Horse Group has been contacted and 12" is the maximum base for the arena floor. Toni is going to contract the National Western Stock Show to obtain their feedback.

G. Stock Contracts for Fair

Don DeFord and Tim Arnett have rewritten these contracts. Tim presented the new contracts for review by the Board.

Tim explained the need for insurance and stated that Don DeFord had reviewed

L Bar Four - Rodeo

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign; carried.

COUNTY ATTORNEY'S REPORT

A. Exception to Investment Policy

Georgia Chamberlain explained the need for the exception.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the \$1,000,000 investment with the FHLB 6.25 coupon with maturity date of 2 1/2 years from today approximately; carried.

COUNTY ATTORNEY UPDATE

Don DeFord gave the update saying besides the Oil and Gas Executive Session scheduled for later today, he did not have anything to present.

TREASURER'S OFFICE

Georgia complimented the Workenders on the painting job they completed in her offices.

Executive Session - Henry Building Lease

Janice Loucks and Chuck Brenner were asked to be included in the Executive Session.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made to come out of Executive Session by Commissioner Stowe and seconded by Commissioner McCown; carried.

COMMISSIONER REPORT

Commissioner Martin reported on the review of Roan Cliffs - Tuesday and Wednesday.

A Mayor's Meeting in Carbondale at 8 a.m. - Wed. May 3, 2000.

Commissioner McCown - Northwest Oil and Gas Forum - Thursday, 10:00 a.m. at Rifle High School.
Ed - Personnel Committee - The Conclusion on the deliberations on the conversion of the Department of Social Services into County Systems. 9 a.m. Tuesday, May 2.

Commissioner McCown announced for the record that two teens from Rifle Middle School and one from the Rifle High School won, at the State level, Saturday in Denver and going on to World in Ames, Iowa the 24 - 26 of May. Commissioner McCown's daughter was one of the winners at the Middle School. And Russell George's son won at the High School.

Chairman Martin suggested sending a letter of congratulations and best wishes as they compete in the World Contest to the students who won the Spelling Bee Contest from the Rifle schools.

National Day of Prayer - Thursday, May 4, from 1 p.m. to 3 p.m. on Courthouse Lawn

Training for the Press - Tues., May 9 - Room 301, Courthouse

Coryell Ranch

A. Consideration of Affordable Housing Deed Restrictions - Coryell Ranch Company

Larry Green present.

Don mentioned there was fully executed deed restrictions. The BOCC did not get an opportunity to review the submittals. Don stated that these meet with all the regulations.

Larry Green said the Deed Restrictions has been signed off by the Housing Authority.

Recognized this late recording was in agreement by his client.

The Board and Larry Green to postpone this for a week in order to allow time for the Commissioners to read and note questions they may have. This will be placed on the Agenda for Monday, May 8 - 9:30 a.m.

B. Partial Release - SIA - Coryell Ranch Company

Larry Green said Coryell is refinancing with Alpine Bank instead of Mesa National Bank. The Commissioners have issued several releases for Coryell Ranch on the SIA's.

He submitted the letter of credit from Alpine Bank with the same format and documentation of completion of construction that has been provided with the previous partial releases. This acknowledgment does go one step further; the original letter of credit submitted in January 2000 when the plat was recorded and SIA, was issued by Mesa National Bank. Larry said his client has now arranged for a refinancing with Alpine Bank and asked for the Board's approval.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the partial release for the subdivision improvement agreement for Coryell Ranch due to the change in financial institution; carried.

Contracts - Human Services for Mountain Valley Development, Garfield Legal Services, Garfield Youth Services, Asistencia Para Latino's, and Advocate Safe house.

Ed Green presented the Human Services Contracts and recommended approval by the Board.

Commissioner McCown moved that the Chair be authorized to sign the Human Service Contracts.

Commissioner Stowe seconded the motion; carried.

Citizens not on the Agenda - Public Comment

Shirley Willis - Holiday Millennium Tree

Shirley thanked the Commissioners for the competition they inspired with the Municipalities. To date, funds have been contributed to the Holiday Millennium Tree by: City of Rifle \$225; Silt \$250; Carbondale - \$100; and New Castle's contribution is forthcoming.

Definition of Farm - Agricultural Land Exemption

Tom Zancanella of 1465 County Road 130 - speaking for himself and his home site. Tom stated this has been a truck farm and have apples, cherries and plums. The basic was originally strawberries.

Over the years Tom has had to eliminate farm animals. The narrow definition of *farmland/agricultural* has caused us to lose our agricultural exemption. Tom said the family has maintained their own open space but the question is what direction will the county take in the open space issue. All of the regulations zone them out of any of the open space purposed applications to whatever degree. Individuals who own open space and want to keep it as such, are penalized with taxes quite heavily based on residential rates even though they have 35-40 acres of mostly open space. The latest thing was in trying to maintain their ditches; they were told your property has changed again and no longer agricultural and would need a permit, etc.; also they would rather not have you burn them. Tom said they tried to pull the ditches and it is a mess. Then Tom tried to get a permit. He was denied a permit by the Rural Fire District due to the nonagricultural definition. The regulations given by the fire district talked about who would fight the fire when you're out of the fire district. The problem -- communication gap between all of the various entities.

Tom stated he would like to see the individual landowners encouraged when they want to keep their land designated as open space. He asked the Board to give this some thought and advise the landowner of some possible solutions.

Chairman Martin said he contacted the fire department when Tom called him. As far as the permit goes, if you have a vehicle with a water tank you will be able to get the permit.

Tom said he informed the fire district that he had a 300 gallon tank on a wagon with my tractor.

Commissioner Martin added that it needs pressure and you need more than one person.

Commissioner McCown noted that if it was agricultural all he would have to do is notify them.

Mark explained the difference between an assessment category and classification and zoning. This has always been a debate with folks as to why the County changed their taxes. The assessment is not based necessarily totally on zoning. Tom's zoning allows for agricultural Pactivities. The assessment determined that it's not agricultural.

Chairman Martin said this was due to the formula used and the percentage of income generated off the land is not carrying the classification.

Don explained the standards that apply to this.

Tom explained the use of the property at the present time - hay, rent horse pasture; apple orchard; various gardens, etc. Town has come to Tom and he is not arguing this point for himself, but the mentality of where the County is headed with some of the regulations. It's a slow erosion.

Commissioner McCown said the Board will see what they can do with respect to Tom's inquiry.

GARFIELD COUNTY WEED MANAGEMENT DRAFT REVIEW

Steve Anthony presented the Noxious Weed Management Plan.

The Weed Board was appointed last year. They have been working on the management plan by meeting once a month. The draft version of the plan has been reviewed by the County Attorney Don DeFord and a number of officials. This needs to be reviewed by the Commissioners and approved. If it is adopted it is good for three years.

Recommendations for chemicals were eliminated; recommendations include speaking directly with Steve or members of the Weed Board.

The Garfield County Designated Noxious Weed List includes the following:

- | | |
|----------------------|-----------------------------------|
| 1. Canada thistle | 11. Oxete dust |
| 2. Chicory | 12. Plumeless thistle |
| 3. Common burdock | 13. Purple loosestrife |
| 4. Dalmation toadfax | 14. Russian knapweed |
| 5. Diffuse knapweed | 15. Russian olive |
| 6. Hoary cress | 16. Salt cedar - one of two kinds |
| 7. Houndstongue | 17. Salt cedar - two of two kinds |
| 8. Jointed goatgrass | 18. Scotch thistle |
| 9. Leafy spruce | 19. Spotted knapweed |
| 10. Musk thistle | 20. Tellow starthistle |
| | 21 Yellow toadflax |

Discussion was held.

Steve mentioned that a complete effort with the municipalities is being addressed.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adopt the Garfield County Noxious Weed Plan; carried.

Garfield County Survey - Public Feedback

Mildred presented the survey in both English and Spanish. She said the cost estimates indicate that in-house printing is cheaper than contracting outside.

These surveys will be available in all offices in the Courthouse and in Rifle at the Taughenbaugh Building.

The surveys for individual departments will be out by mid-May and the surveys will remain until July.

Mildred indicated the ballot boxes will be used to have these placed in.

This survey does not include Road and Bridge as they are doing their own.

Commissioner Stowe made a motion to approve up to \$250 for the surveys. Commissioner McCown seconded. Carried.

Paul Carlson - Project Graduation

Chairman Martin presented the request.

Commissioner Stowe suggested this be given to the cities/towns rather than the schools due to the legal responsibility aspect.

East Elk Creek

Lisa Cain and Ed Green met with individuals included in the cleanup.

The reports indicated that all was going well.

CR 117 - Rock Cribbing

Commissioner McCown mentioned the rock cribbing at Dead Man's Curve had slid.

Ed mentioned he would follow up.

Controller Position Filled

Karen Stark was hired as the new Controller. She is a CPA moving from Montana.

CONSENT AGENDA

- A. APPROVE BILLS
- B. SIGN RESOLUTION AMENDING RESOLUTION NO. 2000-23 (DAVID AND ANNA JOHNSON) REGARDING A SCRIVENER'S ERROR
- C. SIGN CONDITIONAL USE PERMIT FOR MARK WHITE
- D. REFER SMITH SPECIAL USE PERMIT TO BOARD OF COUNTY COMMISSIONERS FOR PUBLIC HEARING
- E. REFER SPRING VALLEY PLANNED UNIT DEVELOPMENT AND SKETCH PLAN FOR PUBLIC HEARING TO PLANNING COMMISSION
- F. SIGN RESOLUTION OF APPROVAL FOR AMENDING CONDITIONAL USE PERMIT TO ALLOW HOME APPLICATION OCCUPATION: DAVID HATCH
- G. SIGN SUBDIVISION IMPROVEMENTS AGREEMENTS RELEASE: CORYELL RANCH PLANNED UNIT DEVELOPMENT
- H. SIGN SUBDIVISION IMPROVEMENTS AGREEMENT RELEASE: MIDLAND POINT SUBDIVISION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the items B - H in the Consent Agenda and authorize the Chair to sign the respective documents; motion carried.

Consent Agenda Item A - Bills

A motion was made to approve the bills and payroll by Commissioner McCown and seconded by Commissioner Stowe; carried.

EXECUTIVE SESSION: OIL AND GAS PENDING LITIGATION

Don DeFord requested the County Administrator and Special Counsel Martha Rudolph to remain.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the oil and gas litigation; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Letter of Support - Portions of the Glenwood Springs Depot - Historical Structure

A motion by Commissioner Stowe and seconded by Commissioner McCown to direct someone to write a letter in support of the local depot in support of the structure being classified as Historical Designation; and the Chair be authorized to sign said letter once drafted.

Jan Girodot and Bob Persoval came before the Board after the motion was made.

Jan explained the area being designated: going into the front door and looking to the right with a series of windows. The first three windows closest to the door is the space talked about. This is called the ladies waiting room years ago as it was nonsmoking. This place has been vacant for years. It was in bad shape; the asbestos floor and tile was removed and now the floor is stripped down to the hardwood floors. In doing exploitative estimates with contractors, it can be restored. The problem is in being specific and anything the Commissioners can do as far as support paper work, resolution will help them. Jan and Bob are going to City Council on Thursday night and do the same presentation asking for their support. There is a possibility of going to RFRHA as well for support.

Commissioner Stowe amended his motion to say ladies waiting room instead of the depot. Commissioner McCown amended his second. Motion carried.

Jan said they are members of NHRS and have applied for and received their Federal EIN; they also applied for but not received yet the 501C3. Once the 501C3 is received they will be in a position to get this work done by donations. Several individuals have been approached who are willing to donate materials and labor for the project. Once they get the go-ahead on this lease, they have captains of several grant sources with some funding - including NHRS.

Chairman Martin suggested contacting service clubs to donate labor and everything else.

Jan will draft the letter.

A motion was made to adjourn the meeting by Commissioner Stowe and seconded by Commissioner McCown; carried.

GARFIELD COUNTY DETENTION CENTER GROUND BREAKING CEREMONY

The official ground breaking ceremony was held at 11:45 A.M. on the UPL Property where the new Detention Facility is to be built.

Those in attendance included:

Judge Ossola and Judge Craven, County Clerk & Recorder Mildred Alsdorf, Treasurer Georgia Chamberlain, County Attorney Don DeFord, Purchasing Agent Tim Arnett, City Engineer Larry Thompson and 8 of the 9 members of City Council of Glenwood Springs, as well as a host of local residents and employees of Garfield County were present for the ceremony.

Shovels were given for the groundbreaking ceremony to Commissioner Martin, Commissioner Stowe, Commissioner McCown, retired Commissioner Marian I. Smith, Sheriff Tom Dalessandri, Community Corrections President Al Maggard; and Mayor of the City of Glenwood Sam Skramstad. The jail is officially off the ground. It will be a 192 bed facility with 55,100 square feet and the sheriff's department headquarters. Total cost \$13.25 million.

The jail was originally proposed 20 years ago when the UPL land was purchased by Garfield County. The history of building the jail on the UPL property during the 20 years, mostly held up in dispute with local residents and the City of Glenwood Springs in that they needed to approve a Special Use Permit inside the City limits, is well documented in the County Clerk & Recorder's Office. The jail - Detention Center - is projected to be completed by October 2001.

During the 20 years of work on getting the new jail built, the Commissioners have spent well over \$2 million in various plans and studies. The jail has been in an on-again, off-again basis for more than 13 years.

A compromise was reached with City Council of Glenwood Springs that allowed the County a Special Use Permit and in exchange, a new Glenwood Springs City Hall will also be built on the property provided by a lease arrangement. The completed area will be designated as the Governmental Complex.

Commissioner Chairman John Martin thanked the City of Glenwood Springs for their cooperation and retired Commissioner Marian Smith for sticking with the construction of the jail during all these years.

Commissioner Martin also thanked the taxpayers for "their patience and willingness to put up with a bunch of elected officials."

A decorative cake, featuring a photo of the new facility, and punch was provided for those in attendance.

Attest:

Chairman of the Board

MAY 8, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 10:15 A.M. on Monday, May 8, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 10:15 A.M.

ADMINISTRATOR'S

Ed Green gave his update that included the following:

Briefing on Weapons of Mass Destruction Training

Guy Meyer, Dale Hancock and Jesse Smith were present.

Guy attended a two-day seminar. He provided a brief awareness in law enforcement.

There is a lot that we don't hear about. Some value in the material covered and possibly will do some training for employees.

Ed said it blends with the MOC approach we have.

Review and Approval of Jail Telecommunications Proposal from First Call Communications

Ed Green, Tim Arnett and Mark Smith with First Call were present. Mark said the jail and the county will benefit. He explained the process and how it is linked. The demarcation will change from 200 to 400 lines.

Tim stated that 911 is the most important and should not be down but just a few seconds during the transfer.

Mark stated the software will be in the Courthouse; some equipment will be in the jail.

Tim presented the bid; this was a budgeted item.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contract for \$40,628.52 and authorize the Chair to sign the Jail Telecommunications Proposal from First Call; carried.

Approval for Upgrade of Courthouse Phone System by U. S. West

Dale Hancock gave an update on the objective.

Don elaborated on the contract with U.S. West and there are a number of legal issues.

This was approved by the Board for Ed to sign the contract; however, Dale stated this should come back to the Board to consider Don's comments.

Don DeFord said, in summary, the main problem is driven by Tabor. The Constitution under Tabor prohibits the Board from making decisions that will affect future Boards. There is a severe penalty for early termination in the contract with U. S. West. Don fully explained his concerns. The response has been received by U. S. West and Don stated the position they took.

Dale stated they are guided by the rules of the Public Utilities Services.

Don mentioned other contracts have been presented to the County in the past and the Commissioners have decided to go forward.

Dale said Delta, Montrose, Routt and Mesa counties have moved ahead on the same similar conversion.

Don stated if the Board decides to go forward, communication should be made with U.S. West, the Governor, Attorney General, and Public Utilities Commission that these provisions are unlawful.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Board to authorize the Chair to sign the contract and send the appropriate correspondence to the entities suggested by Don DeFord; carried.

Authorization for City Enforcement of Parking Area

Ed gave the update on the parking area. He stated that provisions have been made with the City to issue summons, tickets, red tags and to tow abandoned vehicles as necessary to remove them.

Mark prepared a letter for the Chair's signature authorizing the City to enforce the parking restrictions.

Available access is Wednesday, May 10, 2000.

Mark explained the procedure with the HOV. He stated signs will be posted stating the areas are restrictive parking for County Employees; and a total of 3 hours parking for others doing business at the Courthouse.

The HOV tag does not allow a single driver to use the HOV parking.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the letter of request to the City of Glenwood Springs to start enforcing parking restrictions on May 10, 2000 as discussed by the Police Department Parking Enforcement Division and Mark Bean, Director of Garfield County Building and Parking Department; carried..

Preliminary Study for Networking of County Computers

Jesse Smith handed out the benchmark study with objectives, rationale, benefits, cost, and vendor.

Ed mentioned that \$50,000 is in the budget for this item.

Commissioner McCown made a motion to authorize the Chair to sign the Desktop Consulting Agreement not to exceed \$1200 for the study. Commissioner Stowe seconded. carried.
Assessment of Current Payroll System and Discussion of Options

Jesse explained the objective, rationale, benefits and downside of out-sourcing payroll. He estimated this would free up one-half FTE in accounting that can be diverted to other activities that currently are unable to be addressed appropriately. These activities are: fixed assets, expense analysis, improved budget control, improved assistance to other departments, file maintenance, and report generation. The KVS system is not going to meet the needs of the County long-term. It is a payroll program and not designed to pull the various reports needed by the Human Services Department.

Ed said there is some saving of the KVS - the recurring costs because you don't have to pay for maintenance of the payroll software - that is \$2000 a year. The estimated cost to out-source the payroll is \$12,000 to \$14,000. Basically, Jesse stated, the county is looking at an incremental cost of about \$1,000 per month.

Commissioner Stowe asked if this was taking into account the savings of that 1/2 FTE?

Jesse said the 1/2 FTE is basically an opportunity cost. There are a lot of things that are going undone right now because there isn't enough staff to do it. This would give the accounting department the opportunity to apply that resource to those things.

Chairman Martin indicated this would take into account the vacation time, the PDO, sick time and all that in which is not being really tracked. This would be a benefit to our employees as well.

Jesse stated that's why he listed employee communications as a benefit.

Commissioner McCown asked who Jesse would be looking at to do this new payroll out-sourcing.

Jesse stated he wanted to look at the two firms here in Glenwood that do payroll. Jesse said he wanted to look at what kind of set up they have and if they are capable of generating the types of reports they are looking for. There are other firms outside the community that he will look at as well. One is ADP which is probably the largest national payroll firm in the country.

He said he would go to them as well.

In response to Commissioner McCown's concern, Jesse added that he didn't anticipate any problem interfacing with the system in place. He has explored this with KVS and as long as we go to an ascii file we can import data into the KVS system - any of these payroll systems are capable of downloading an ascii file. Jesse added they have looked at the system called Abbra that the City of Glenwood Springs purchased. This again puts 100% of the load back in the staff and will not save any staff time by buying that software package.

Chairman Martin mentioned how pleased the District Attorney was with the purchase of their software.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to have Jesse explore the possibility of out-sourcing payroll and get some bids and hopefully in the amount of approximately \$14,000 a year - not to exceed \$14,000 per year; carried.

Approval of Fairgrounds Agreements

Toni Penton presented the following agreements for the Board to review and approve: Tapp Tool Enterprise for May 18, 2000 and Rifle Rendezvous for May 20 - 21, 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contracts for Rifle Rendezvous and Tapp Tool Enterprise for tool sales; carried.

Quick Response from City Regarding Sidewalk Safe

Ed Green and Robin Milyard from the City worked to identify other tripping potentials in the sidewalks. These should be smoothed out within the next week or so.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

GARFIELD COUNTY ASSESSMENT OF IRREPLACEABLE BIOLOGICAL RESOURCES

On September 7, 1999, Victoria Giannola approached the Board regarding a request for a Colorado Outdoors Grant.

Victoria said the staff is interested in being a part of the Colorado Outdoors Grant which is a study to purchase development rights and to see which areas are the best for the buck. Colorado Outdoors GoCo suggested a local match of \$10,000. The benefits are \$150,000 worth of studies for \$75,000. Rob can put the information into the GIS system. Survey work on private property will only be done with the landowner's permission.

This study is for plant and animal inventory (rare and imperiled plant and animal species) and historical resources that could be documented.

The study area is from Glenwood Springs West.

Rob says he is interested in putting his estimated 20 hours toward an in-kind donation which will equal about \$600.00.

Steve Anthony's involvement from an environmental aspect was also considered and could possibly be contributed as in-kind.

The Commissioners had directed the Building Department to explore the options and come back to them.

Today, The Great Outdoors Colorado Trust Fund Planning and Capacity Building Grant Agreement was presented to the Board.

Don DeFord explained that GoCo's language in the grant carried little risk of the potential for liability and if the Board decides to proceed with the agreement, the Chair will need authorization to sign.

Greg Butler from Planning and Zoning has been delegated to work on this with GoCo since Victoria Giannola has left the County.

This is a countywide program but it will not take place on privately owned property without the permission of the property owner. A county-match has already been approved -- 10% which is staff time. Supervisors. CSU doing the evaluation. GoCo will provide \$50,000.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the grant and proceed with the Agreement. Motion carried.

EXECUTIVE SESSION - *Oil and Gas Litigation and Jail Construction Issues*

A motion was made by Commissioner McCown and seconded by Commissioner to go into an Executive Session; carried.

Janice Loucks and Mark Bean were requested to be included in portions of these discussions where legal advice would be given.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Action Taken - Jail

A motion was made by Commissioner Stowe and seconded by Commissioner McCown that the contract with Haselden Construction be reviewed by our attorney in the amount somewhere between \$13,050,000 and \$13,250,000 to be negotiated by staff and approved and signed by the Chair. Commissioner McCown seconded; motion carried.

Action Taken - Oil and Gas

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a letter agreement of representation by Sherman and Howard for the upcoming Oil and Gas litigation concerning Barrett Resources' application for 20-acre spacing; carried.

Liquor License - The Guzzler

Mildred commented that she needed to speak to the Board when they reconvene after lunch regarding a liquor license.

Event - Road and Bridge

Ed mentioned the pancake breakfast in Rifle and Glenwood and possibly using the shops on June 7 and June 8. The is a fund-raiser for one of the employees of Road and Bridge out of the Silt shop -- "Cubba" (Tom Trevena), who needs to have a liver transplant. Cubba hasn't been employed with the County for a year, therefore this will assist him in time off for recovery. Ed wanted the Commissioners to be aware of this.

The Commissioners suggesting using the Fairgrounds for the Rifle event.

Contract Change Order - Stress Con No. 1

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a contract change order with Stress Con for an agreement to extend 2 weeks to May 14, 2000 for Owner to assign above contract to General Contractor at no additional cost; carried.

CONSENT AGENDA

A. APPROVE BILLS

Commissioner McCown asked to see the printout on the cell phones regarding a balance due on one particular cell phone. He indicated that policy setting may be necessary.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the bills as submitted; carried.

Liquor License - Guzzler - Temporary Permit Requested

Mildred mentioned there was one establishment issued a liquor license that was found to have served a juvenile. District Court charged and fined the owner.

Since then, the establishment has been sold.

Mildred said the hearing for a liquor license is set up for June 5. She requested approval of the Board to issue the new owner a temporary permit.

Jim Sears and Mildred have been working together on the previous charges. The liquor enforcement official came from Grand Junction and gave Mildred a copy of the report.

Mildred stated that the liquor enforcement officer has scheduled a school for servers on June 14th. This will be made available for all of the liquor establishments. It will be held at the Courthouse.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve Mildred Alsdorf to issue a temporary liquor license permit for the new owner of The Guzzler to begin operation once the building has been purchased and until a permanent license can be issued; carried.

REGULAR AGENDA - BUILDING & PLANNING ISSUES - PUBLIC HEARINGS:

Coryell Ranch

- a. Consideration of Affordable Housing Deed Restrictions

The Declaration of Master Deed Restrictions and Agreement concerning the sale, occupancy and resale property described as Lot A-1, Lot A-2, and Lot A-3 and Lot A-4 Midland Point Subdivision, Garfield County, Colorado at Coryell Ranch was submitted for comment and approval by the Commissioners.

A motion was made by Commissioner McCown to authorize the Chair to sign. The Declaration of Master Deed Restriction and Agreement concerning the sale, occupancy and resale property described as Lot A-1, Lot A-2, and Lot A-3 and Lot A-4 Midland Point Subdivision, Garfield County, Colorado by Coryell Ranch. Commissioner Stowe seconded. Motion carried.

REQUEST FOR A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A SEWAGE TREATMENT PLANT IN A REGULATED FLOOD PLAIN. LOCATED: RANCH AT ROARING FORK. APPLICANT: RANCH AT ROARING FORK HOMEOWNERS ASSOCIATION

Mark Bean, Don DeFord, Mike Bell Homeowners Association and Dean Derosier of McLaughlinWater Engineer were present.

Don DeFord reviewed the public notifications, posting and returned receipts. He determined that BLM had not been notified. He reviewed the ramifications of this omission with the Board and the applicant. Don stated that it was a decision on the Board as to whether or not they wanted to proceed.

Dean Derosier stated that he could not locate the property owned by BLM on the map in the Assessor's Office. The property is into the river in front of the Ranch at Roaring Fork - it is in the same boundary. Chairman Martin mentioned that if BLM did protest at any time, it would mean a rehearing. This is usually something the landowner would not like to risk.

Commissioner Stowe mentioned he felt it would be better to set a different date.

Dean Derosier stated they had fully searched the records and were unable to find the parcel.

Knowing the risk, the Ranch at Roaring Fork was willing to move ahead.

Commissioner Stowe moved to proceed. Commissioner McCown seconded; carried.

Chairman Martin swore in the speakers.

Mark Bean presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information; and Exhibit E - Zoning Resolution of 1984 as amended.

Chairman Martin admitted Exhibits A - E into the record.

This is a floodplain Special Use Permit to allow construction of a sewage treatment works in the Floodway of the Roaring Fork River for the Ranch at Roaring Fork Homeowners Association on a parcel of approximately 460 acres located adjacent to the Roaring Fork River and just northeast of Carbondale. The applicant is requesting this SUP to replace an existing sewage treatment works with a larger structure within a portion of the Floodway of the Roaring Fork River. The applicant is proposing to build a 100,000 gpd sewage treatment facility to meet the existing and future needs of the Ranch, Preshana Farms PUD and St. Finnbar Ranch subdivision.

Recommendation

Staff recommends APPROVAL of the Special Use Permit based on the following conditions:

That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.

The proposed sewage treatment works will be built to a minimum elevation of 6204.0 fmsl and that a certificate of elevation will be done by a Colorado registered professional surveyor after the construction is completed to verify the elevation of the facility.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a Special Use Permit for the construction of a sewage treatment plant in a regulated flood plain for Ranch at Roaring Fork with the recommendations by staff.; carried.

REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION TO SPLIT A 20.0 ACRE TRACT INTO TWO (2) TRACTS OF APPROXIMATELY 14.0 AND 6.0 ACRES EACH. LOCATED: OFF OF COUNTY ROAD 126. APPLICANT: JAMES MAHAN

Mark Bean, Jeff Laurien, Don DeFord, Charlie Willman and Jim Mahan were present.

Charlie stated that he only been contacted over the weekend to represent James Mahan. No publication was in the paper and Charlie Willman asked for an extension. He added that he will get with Mark and reschedule.

REQUEST FOR A PRELIMINARY PLAN REVIEW OF THE NORTH 27 SUBDIVISION. LOCATED: APPROXIMATELY 1.5 MILES NORTH OF SILT, OFF OF COUNTY ROAD 261 - NORTH 27, LLC. APPLICANT: JOHN AND PAUL CURRIER

Jeff Laurien, Don DeFord, John and Paul Currier and attorney John Schenk were present.

The applicant requested a postponement until October in order to have the water augmentation plan in place.

Don asked if they wanted to open the public hearing and then ask for a continuance. This could go beyond the 120 days if the applicant waived the time restriction.

The applicant stated they did not have a problem with waiver of 120 days but preferred not to open the public hearing as a result they will reschedule with Mark.

REQUEST FOR REVIEW OF A PRELIMINARY PLAN FOR UKELE ACRES. LOCATED: WEST OF SILT OFF COUNTY ROAD 229 AND HWY. 6 & 24. APPLICANT: RONALD AND JEAN SMITH

Mark Bean, Don DeFord, and John Taufer were present.

Don DeFord reviewed the public notifications, posting and returned receipts. He determined that these were in order and had met the requirements; therefore he advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Zoning Resolution of 1984 as amended; Exhibit E - Subdivision Regulations; and Exhibit F - Staff Comments and Exhibit G - all 10 attachments. Chairman Martin admitted Exhibits A - G into the record.

This is a request for review of the Ukele (yoo-kel-ee) Acres Preliminary plan for a nine (9) lot (with 11) dwelling units) subdivision on approximately, twenty-five (25) acres. The building envelopes range in size from 1/2 to 1 1/3 acres. The proposed density is 1 dwelling unit per 2 1/4 acres.

Recommendation

On 4/1/2000, the Planning Commission moved to recommend conditional approval of the Ukele Acres preliminary plan application by a unanimous vote. The conditions of approval area as follows:

That all representations made by the applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval unless specifically altered by the Board of County Commissioners.

The final plat shall reflect a fifteen (15) foot wide utility easement along Esther Circle, as requested by Public Service and U. S. West.

Increased historic runoff from the property shall be prohibited.

One (1) accessory dwelling unit is approved on Lot 6 provided the applicant complies with the provisions of section 5.03.21 of the Garfield County Zoning Resolution of 1978, as amended. No guest house will be permitted on Lot 4 without first obtaining a special use permit.

All geology related recommendations made by Hepworth Pawlak, the Colorado Geological Service, and Wright Water Engineers shall be complied with.

The applicant shall submit a copy of a fully executed approved CDOT access permit to staff at least two (2) weeks prior to the Board of County Commissioners meeting.

The existing driveway accessing State Highway 6/24 shall be improved to County subdivision standards including:

- It shall become a publicly dedicated but privately maintained right-of-way.
- It shall be named on the final plat.
- It shall be reconfigured to have a 50' radius and be widened to sixteen (16) feet of chip/seal pavement.

The applicant shall submit a copy of a letter of approval from the Burning Mountain Fire District to staff at least two (2) weeks prior to the Board of County Commissioners meeting. The letter shall include confirmation that the proposed development has adequate water and facilities for emergency response and that the proposed 10,000 gallon tank is acceptable.

Wright Water Engineers comments regarding the water supply and water system shall be conditions of approval as follows:

- A microscopic particulate analyses test shall be conducted for the well water supply due to the presence of non-coliform bacteria and the relatively shallow well construction. The map analysis shall be included in the application for final plat.

- Section 20.1 of the covenants shall reference the West Divide Water Conservancy District (WDWCD) water allotment contract. The results of the water quality and the need for individual water treatment facilities shall also be included in this section.

Reference to the WDWCD allotment contract and 6,000 square-feet of irrigation shall be removed from Section 20.2. This section shall provide initial rules and regulations for use and operation of the irrigation system.

- The well permit issued for the project (53426-F) is based on the WDWCD's substitute water supply plan. A water court approved augmentation plan will ultimately be required for the well. The Applicant shall include this cost in the Subdivision Improvements Agreement or indicate in Section 20.1 of the covenants that the lot owners are responsible for this cost with the WDWCD when it arises.

- Although the well permit allows for outside irrigation (6,000 square-feet per lot), the potable water system is not designed for outside irrigation and the covenants shall prohibit such uses in Section 20.1 and 20.2.

- The applicant shall consider a disinfecting treatment system using liquid chlorine rather than gaseous chlorine.

- The well water quality shall be tested for nitrates on an annual basis. This shall be included in Section 20.1 of the covenants.

The Dunbars' easement shall be legally described and shown on the final plat.

Wright Water Engineers comments concerning the ditch shall be conditions as follows:

- The Lower Cactus Valley Ditch easement shall be dedicated to the Grand Valley Ditch Company with a formal Easement Agreement or otherwise accepted in writing by the ditch company, whichever may be the appropriate legal course of action.
- The Applicant shall consider the safety issues of the large ditch, which creates an "attractive nuisance", and take appropriate measures to ensure safety.

All individual sewage disposal systems shall be designed by a Colorado Registered Professional Engineer. The use of Evapotranspiration Absorption sewage disposal systems (TI) shall be discouraged.

Wright Water Engineers recommendations concerning drainage shall be conditions as follows:

- The existing drainage system shall be shown (e.g. culverts across Highway 6) and it shall be demonstrated how the proposed system fits in with the existing systems. (At least two weeks prior to approval by the Board of County Commissioners.)
- A typical detail for the detention ponds and outlets shall be shown (at least two weeks prior to approval by the Board of County Commissioners.)
- The submittal does not indicate if the Applicant or the future lot owners will construct the "individual" detention ponds. A drainage easement shall be shown on the Plat for these ponds. If constructed by lot owners, then the engineering criteria for the pond shall comply with County regulations and the Master Drainage Plan for the project shall be indicated on the Plat. A Colorado registered professional engineer shall design the ponds.
- The covenants shall indicate that the HOA and/or individual lot owners are responsible for maintaining a functional detention basin(s).

At least two (2) weeks prior to approval by the Board of County Commissioners, the applicant shall address the presence/absence of wetland areas and discuss and analyze the impacts, if any, from the project.

Applicable fees shall be paid prior to recordation of the final plat.

The covenants shall be amended as follows:

- A section shall be added to reflect the Sheriff's concern that all roads and street addresses be clearly marked and visible from the right of way.
- Shall reflect that one (1) accessory dwelling unit may be allowed on Lot 6 but that it shall not exceed 1,500 sq.ft. and may not be sold as a separate interest.
- The purpose/philosophy of xeriscaping methods shall be explained and xeriscaping methods shall be encouraged for geotechnical reasons.
- Section 22 shall state that due to the potential for settlement, differential movement, and groundwater conditions on the project, site-specific geotechnical studies shall be conducted for proper foundation design.
- Section 7 shall include a specific ISDS management plan.
- Language shall be included that reminds landowners that it is their responsibility, according to the Colorado Noxious Weed Act, to manage any County Noxious Weeds that are on their property. Management of noxious weeds on roadways, drainage ditches, and common areas shall be addressed and responsibility for this shall be designated.

- Section 21 Lighting shall be amended so that the second sentence reads "...shall be directed downward and towards the interior of the subdivision".

The following plat notes shall be shown on the final plat (some of these notes are in the covenants but shall be duplicated on the plat):

- 1) All irrigation ditches and ditch easements are to be recognized and maintained as existing and in place, in the usual manner.
- 2) One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the building envelope.
- 3) No open hearth solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
- 4) All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
- 5) No further divisions of land within the Subdivision will be allowed.
- 6) Site specific geologic studies must be performed on individual building envelopes to determine design level recommendations.
- 7) Radon gas may be present and should be tested for once building construction is completed.
- 8) Lot 6 shall be permitted one (1) accessory dwelling unit provided it meets the conditions of section 5.03.21 of the Garfield County Zoning Resolution of 1978, as amended.

9)
Homeowners should consider further treatment such as water softeners or reverse osmosis to eliminate problems associated with hard water.

10)
"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A

good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Update:

The applicant has met conditions # 6,8, 13 sub-point 2, and 14. Condition 13a still needs to be addressed by the applicant's engineer per WWE comments. Staff recommends the Board of County Commissioners APPROVE the Ukele Acres Preliminary Plan application with the recommendations of the Planning Commission, except recommendations #6, 8, 13 sub point 1 & 2, and 14, if the applicant can address the issue noted in the 4/28/00 letter from WWE.

John Taufer stated a letter from Jeff Simonson did a site review and -1-6200 - the 100 year event would not impact the subdivision. He will submit this letter from Jeff Simonson later to the Building and Planning Department.

John Taufer explained their project.

Michael Orion said that the letter from Jeff Simonson will satisfy his concerns.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for review of a preliminary plan for Ukele Acres located west of Silt off of county road 229 and highway 6 & 24 Ronald and Jean Smith with staff recommendations of conditions making adjustments for those conditions that have been previously corrected and adding an agreement with the ditch company for a fire hydrant "putting the stand pipe adjacent to the ditch to allow for protection back up;" carried.

DEPARTMENT OF SOCIAL SERVICES TRANSITION PLAN

Phyllis Lundy and Don DeFord were present.

Phyllis presented the report.

Ed stated this was reviewed extensively by the Personnel Committee.

Phyllis stated she has met with the State and reviewed the Personnel Policies.

Commissioner McCown stated he felt that the Sheriff, Library and Social Services should be all under the County's Personnel Policy.

A Resolution adopting the transition plan for Garfield County Department of Social Services' employees from the Colorado Merit System to Garfield County Personnel Administration was presented.

This requirement originated from Senate Bill 97-6 and states the County is to incorporate Colorado Merit System employees presently working for the Garfield County Department of Social Services into the County Personnel System.

The transition plan, to be effective July 1, 2000 is a cooperative effort between county officials and social services. Exhibits include: Exhibit A - Garfield County Revised Pay Grade Structure February 2000; B - Personnel Policies and Procedures Manual - Draft - Issued November 1, 1998, revised May 3, 2000 to become effective July 1, 2000.

Don stated that to adopt the Transition Plan and the new Policies draft. Until July 1, 2000 the County at-will policy will be in effect.

This is eliminating the at-will except for the Sheriff. Everyone else will go to this disciplinary procedure.

Phyllis explained that when there is a new hire they will be placed on a 6-month probationary period and at any time within that 6 months, the employee can be fired "at will."

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution adopting the transition plan.

Vote on the Motion: McCown - nay; Martin - aye; Stowe - aye.

Board of Social Services

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the certification for employees in the County Department of Social Services to go into the County Personnel Policy; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

MAY 9, 2000

GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

MEDIA WORKSHOP

The Media Workshop with Jana Petersen, Director of Public Affairs, City of Boulder and the Board of County Commissioners began at 9:00 A.M. on May 9, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

Others present included: Police Chief - Rifle, Daryl Meisner, Public Health Nurse, Mary Meisner, Operations for Garfield County - Dale Hancock; Administrative Secretary - Barb Gaber, Purchasing Tim Arnett, City Council Member Don Vanderhoof and Terry Wilson, Police Chief - City of Glenwood Springs.

The Media Workshop was focused on how to handle the various sources - there's always leaks to the press. The importance of a spokesperson was deemed necessary, if not essential. Jana proposed an Intergovernmental Cooperative Agreement regarding - Public Relations, Administration, Courts, and Facilities Manager.

Jana also said to be aware of unexpected twists. Professional training was an element that the County could not afford to overlook when dealing with press releases, reports to newspaper reporters and radio announcers.

The unsolved case of Jon Benet Ramsey's death was the example used for how information gets to the press.

Attest:

Chairman of the Board

MAY 15, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 15, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were Operations Dale Hancock and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

In the absence of Ed Green, Dale Hancock gave administrator's update.

Capital Fund Cash Flow Analysis - Jesse Smith presented report

Current capital fund balances - \$3,808,000

~ all capital equipment purchased except one sheriff's patrol vehicle (\$35,000)

Total estimated funds to be spent from capital fund on the jail - \$4,599,000

~ amount spent in 1999 - \$742,000

~ amount already spent in 2,000 - \$246,000

~ amount to be spent in the remainder of 2000 - \$1,682,000

~ amount to be spent in 2001 - \$1,929,000

* (includes all project contingency)

Projected FY 2000 End of Year Fund Balance - \$2,949,000

Projected FY 2001 End of Year Fund Balance - \$2,150,000

Riding Arena/Events Center - Toni Penton and Janice Loucks gave the update

Janice asked to move forward without the regular bid opening. She asked for authorization to proceed with B & B. (See Handout)

Costs paid to date for construction: \$579,194

The engineering staff has two competing concerns with the construction of the building - **1st** is the proposed final cost for work remaining = \$314,591

- Mechanical, power, HVAC, plumbing, fire suppression and alarm, lighting - \$269,591
- Drainage - \$25,000
- Doors and remaining concrete - \$5,000
- Gould's contract for grading and concrete work - \$15,000
- Construction of floor - no outside cost - these are provided by County

Probable Cost: \$314,591 for B & B.

Total probable cost for completed arena \$893,785.

2nd is the construction deadline of August 8, 2000. August 8 is the Fair date. Deadline extremely difficult to meet. County must hire a contractor without delay. Reason for requesting that standard practice of open bidding be waived for this project.

Commissioner McCown expressed concern about the high cost of fire alarm system. Janice will investigate and get back with information.

Commissioner Stowe inquired about the GoCo funds and refund over the next several years.

Dale stated this should be looked at as part of the early analysis in the cash flow; that was assuming that all of this money would be taken out of the capital funds. There was mention of the capital fund; and repaid by the Conservation Trust Funds over time.

Commissioner McCown made a motion to move forward with the completion of the Riding Arena/Events Center waiving the bid procurement in order to make the August 8th Fair Schedule. Commissioner Stowe seconded.

Discussion

Chairman Martin indicated the Board was considering this an emergency situation and would go ahead and allow Toni and Janice to go beyond the bid process.

Motion carried.

Janice also requested to have Weekenders to help them work on the drainage, moving rocks. The Board concurred with this request but also stated there needs to be good supervision recalling the damage to the buildings they were a part of disassembling.

Year 2000 Objectives Update

Dale presented the Revision 4 for the Garfield County Objectives.

The Commissioners reviewed the revision.

Other Items

Media Training was held last week. Chairman Martin attended the session.

Toni - presented two Fairgrounds Contracts

#1 - Little Britches Rodeo Contract for June 3 - 4

#2 - Concert Act for the Fair - standard promotional contract

Larry - motioned the Chair be authorized to sign an agreement with the Little Britches Rodeo for the June 3-4 performances and upon review and approval of the entertainment contract by the County Attorney the Chair be authorized to sign that contract; Walt seconded; motion carried.

Toni - approached by the FFA Instructors from Rifle High School - asked the County to donate the two buildings that were torn down - North and South buildings - we are going to keep the middle building - the High School will remove them as well.

Toni - stated this hasn't been inventoried - scrap metal going for \$25-\$35 a ton.

McCown - would prefer to move forward with the bid process. If the price came in and wasn't feasible then he wouldn't have any problem in donating this.

Update - payroll discussion from last week

Jesse - made contact with largest firm in Glenwood - could not provide the services, especially in area of benefits administration - currently has a month to month service agreement for Chairman to sign with ADP out of Denver - can provide everything County is looking for within the price range.

Jesse - because it is a month to month, can be canceled at any time

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update:

No specific litigation issues for Board.

Update on Contract with Haselden Construction, Inc.

Don provided the Board a full update that included sending the written contract with Haselden Construction in the amount of \$13,085,703. The cost for subcontractor bonds of \$160,000 plus was omitted, and Haselden recommended retention of 6 bonds. Blake Jordan and Alan Matlos are relatively certain the figure in terms of subcontractor bonds will remain firm, but written amendments to lease agreement with the building corporation and bank have not been finalized. Don - completed language negotiations with Ed Haselden re: 7.5 of lease agreement - provision that requires assignment of this contract to the trustee - this

contract upon final signature is assigned to the trustee pursuant to the lease agreement - all aspects of the contract are assigned to the trustee both benefit and obligations - anticipates asking Chairman to sign it, unless Board has reason to do otherwise.

Don addressed the time frame for having all the contracts completed as the week of May 15 - 19.
Energy Impact Grant - Don suggested a delay in signing until the contract with Haselden is signed.

Don added that the notice to proceed will be within 10 days after the contract is signed and the start day is 7 days after issuance of notice to proceed. Don earlier indicated that the contract should be signed this week making the project start day before the end of May.

Contracting - Video Conferencing

Don reported the system will allow communication by the visitors with the inmates eliminating a lot of movement within the jail. The Sheriff and Sierra Steel have been discussing this type of communication and it is an essential item. Specifications for the system, based on need and the cost, should be given to Haselden. Haselden, Sierra Steel and Don have been discussing.

The Commissioners inquired as to why this wasn't a bid item. The system doesn't get installed for 1- 1 ½ years down the road.

Don stated that the conduit question needed to be addressed as it goes into the concrete. He added that it isn't a difficult installation - just need the placement identified. Our architect and engineer need to be included in these discussions. Don said the dollar figures are within the ball park - \$69,000 to \$80,000. Jesse Smith commented that \$66,000 is budgeted.

Don said if the bonds of these omitted subcontracts are decided as needed, then Haselden will not charge a fee.

COMMISSIONER REPORT

Joint City County Meeting - 7:00 A.M. Tuesday, May 16, City Hall - Staff to be included are: Don, Janice, Dale or Ed, with an agenda that includes the Four Mile Project; jail update and timing on New City hall and the MOC removal of buildings.

Coal Conference - Larry leaving Thursday for Steamboat Springs; Friday in Craig.

Oil and Gas - Rifle - May 20 and 21. Larry will be present for the 21st. The Oil and Gas Commission will be - touring area. Today from 10 - 1 the Oil and Gas Commission will be visiting with some affected groups.

Commissioner Stowe stated the Rural Resort will be meeting on Friday, 7:30-8 a.m. CMC building downtown.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Western Slope Aggregates

Glenn Harsh, represents Western Slope Aggregates, Inc. - express the importance to receive a hearing on the Special Use Permit in order to fulfill contract in Western Garfield County.

Additional day in the near future to consider some additional planning. Gravel Pit Operation in Silt.

Mark Bean - time line problems - June 20th - special meeting.

Commissioners - no conflicts - okay to schedule - 9:00 A.M. - Not to Planning Commission - only before the Commissioners.

Barton Porter, New Castle, Colorado

Building and Planning Director Mark Bean, County Attorney Don DeFord, and Dale Hancock for County Administrator Ed Green were present.

Barton - having a problem with exemption that he has been trying to get - had every paper in last Friday - Jeff said they could get it on the agenda - all you have to do is sign it - Barton would like to get it done.

Chairman Martin - who had to sign it?

Barton - I guess the Commissioners have to sign off on the filing - now a complete new deal of paperwork - can't understand what the situation is.

Chairman Martin - clarified if this was the review process that he was talking about - getting everything in order for a referral?

Barton - no - everything that must be done for a subdivision - writing our by-laws, covenants, etc. - we've got it all done - need somebody's signature so we're done.

Chairman Martin - asked Mark Bean to enlighten the Commissioners on this subject.

Mark - this has been unique. The conditions imposed by the Board of Commissioners did require that they come up with covenants, by-laws that would also be incorporated so the Association can control the access in and out of the development; as well as the common use of the well itself. This made it unique in terms of this exemption. Getting the paperwork together has taken a little more time. There have been some issues with the surveyor of the plat that needs to be done and approved by the County Surveyor. Mark wasn't positive that the County has this back. There's been some back and forth in terms of getting some documents clarified. Don has reviewed most of those documents in terms of the legal limit; the County Surveyor's been reviewing the plat. Basically then, once these documents are in place, they would bring the plat and the Resolution to the Board for signing -- this is the normal process.

Sierra Vista - Problem

Barton Porter - stated he had another item he would like to bring up - 3 people are suing saying the sewers weren't done properly - we did everything that the County asked us to do in installing those sewers - who's responsible? Are we?

Commissioner McCown - discussed this matter with Mark - the point of inspection is to ensure that the pipe is placed in the ground and there is not an inspection point during the back fill. And I think the lady who talked to me was alleging that the material was not properly placed as far as the backfield -- tar paper was used as opposed to rock and straw and I brought the question to Mark. Our point of inspection is to ensure that the septic tank is there, the pipe for the leach field is connected and in place and then that's where we sign off. So we do not actually have somebody standing there while the backfield is being done.

Mark - we did do the final after it been back filled, at this point, it is covered.

Commissioner McCown - I think what the County would be able to attest to in their inspection program is that the septic tank was there, the leach field pipe was hooked up and in place and the proper length was there and at that point that would be the extent of the County's ability to testify to what was there.

Mark Bean - and the perk test.

Commissioner McCown - oh yes, this has to take place before it is even sized, so that would probably be a civil matter.

Chip and Seal

Barton Porter - 11 houses - 2.8 miles of road, Alkali Creek - is there any criteria for a certain number of houses - mag chloride being put down this morning.

Chairman Martin - request review by Road & Bridge - Alkali Road - no criteria for chip and seal.

Larry - do a traffic count to see how many people are using it - safety is an issue - school bus routes - done by Road and Bridge director.

Chairman Martin - Jake of R & B would start that process.

Black Diamond Road

Barton - asked if Black Diamond is a County Road.

Chairman Martin - yes and no - in debate for so many years - the improvement, started 4 years ago - repairs - a private road or a public access road - because it was such a hazard County went ahead and maintained it

- still waiting on a legal - private or access - bridge is shaky - not a truck route - but coal trucks used to come across there.

OTHER ITEMS

Mildred - Tim - Fixed Asset Reporting Form and Motor Vehicle Bill of Sale - needs to come before the board - Chairman needs to be authorized to sign those documents and the title - it was the Weekenders' van that burned up - Tim asked to sell for insurance purposes.

Stowe - moved the Chair be authorized to sign the Vehicle Bill of Sale and Title on the 1990 GMC Van; McCown seconded; carried.

Stowe - moved the Chair be authorized to sign the Fixed Asset Report deleting the aforementioned van; McCown seconded; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS:

PUBLIC HEARING: ABATEMENTS

Steve Rippy gave the reports:

Commissioner Martin swore in the speakers.

- A. Carbondale Clay Center - Property - Jan 1 - 98 - letter - filed an exemption - granted it.
- B. Roaring Fork Energy Center/Solar Energy International - exemption property - identified the portion remained taxable.
- C. Jose Valero - mobile home - move mobile - proration of taxes - paid twice. Can't find the people. Mobile home is gone. Need Board approval and will send information on to Treasurer.
- D. Michael L. Dyste - did a split in 1999 - new mapper in place and training - created a new parcel but didn't remove the taxes - got a full tax bill. This is a clean up in Steve's office.
- E. Starr O. Zeder - Board of Equalization - property used in conjunction with adjacent property - protested. Assessors gave residential assessment rate - got a tax bill on the vacant land.
- F. Van Teylingen Land Company - an appraiser - excess sq. foot resulted in a excess payment.

Commissioner Stowe - moved to close Public Hearing; McCown seconded; carried.

Commissioner Stowe - moved to approve abatements A-F as discussed by Mr. Rippy and authorize the Chair to sign as necessary; McCown seconded; carried.

PUBLIC HEARING: LIQUOR LICENSE - CANDY APPLE CAFE, NEW CASTLE

Mildred Alsdorf - swore in the speaker - Frances Elaine Zwonitzer, manager of restaurant.

Mildred - submitted the proof of noticing. It was due to be heard on May 8 but the paper did not get it in on time - fingerprints taken - CBI and FBI - delays since the NICI has been down - poster displayed was completed as required by law. The placing of the poster was visible and remained in place until today - Hotel and Restaurant - Lease by Russ Talbot.

Frances - beer and wine only thing serving - hopefully it will increase their business - a number of requests and would like to offer it.

Mildred - people have signed in favor. One against.

Frances - business began July 10, 1999.

McCown - Mildred advised about server training class? - June 14th, 9:00 a.m.

McCown - moved to close Public Hearing; Stowe seconded; carried.

McCown - made a motion to approve the Hotel/Restaurant Liquor License for the Candy Apple Cafe in New Castle; Stowe seconded; carried.

BUILDING & PLANNING ISSUES:

PUBLIC HEARING TO CONSIDER A PROPOSED AMEND ZONE DISTRICT DESIGNATION AND SUBDIVISION REGULATION AMENDMENT TO CREATE AN AIRPORT ZONE DISTRICT. APPLICANT: BOARD OF COUNTY COMMISSIONERS GARFIELD COUNTY

Mark Bean, Don DeFord and Carolyn Dalghren were present.

Don - for clarification of the record proceeding on first, an amendment to the Zoning Regulations to create a general description for an airport zone district that could be applicable anywhere in the County; second, amendments to the Subdivision Regulations, which would exempt airport property - correct?

Mark - right - airport property owned by Garfield County and leases County enters into as a part of that from subdivision - note for record that the actual changing of the zone district itself will have to occur next month, neglected to write himself a letter to mention that he needed to send out the Return Receipt mailings to the adjacent property owners.

Don - two hearings in from of BOCC both require notice by publication - Mark has provided proof of publication for both - both are adequate - one for the alteration of Subdivision Regulations and the other for alteration of the Zoning Regulations - accept these into the records for both hearings.

Mark - the 3rd proposal, Zone District Amendment to the property, needs to be re-noticed and Board will hear it in June, 2000.

Chairman Martin - the notification is proper - swore in the speakers.

Mark - offered Exhibits to be entered into the record:

Exhibit A - Proofs of Publication for both the Subdivision Regulation Amendment and the Zone District Text Amendment

Exhibit B - Project Information and Staff Comments

Exhibit C - Garfield County Zoning Resolution of 1978 as amended

Exhibit D - Garfield County Subdivision Regulations of 1984 as amended.

Chairman Martin - Exhibits A-D entered as exhibits.

Mark - There are two actions proposed. **First Action:** The Planning Commission made some changes to the proposed amended regulations, which are included for the Board for consideration. The language added is **bold and underlined**.

8.00 Exemption

8:10 Applicability

The Board of County Commissioners has the discretionary power to exempt a division of land from the definition of subdivision and, thereby, from the procedure in these Regulations, provided the Board of County Commissioners determines that such exemption will no impair or defeat the stated purpose of the Subdivision Regulations nor be detrimental to the general public welfare. The Board has determined that leases, easements and other similar interests in **Garfield County owned property**, land for oil and gas facilities, and an accessory dwelling unit or two family dwelling that are subject to leasehold interests only and comply with the requirements of the Garfield County Zoning Resolution, are exempt from these regulations.

Mark - what this does is it exempts the County from the technical requirement that if the County was to enter into long-term leases with individuals on the property, the County would, under the literal interpretation of the State regulations, be required to go through subdivision review process - this exempts these types of leases from that type of action and requirement.

Chairman Martin - asked if Commissioners or public had any questions - none.

Mark - described **Second Action:** presently the Airport is zoned PUD - done as part of the Garfield County Airport PUD that is presently owned by Mr. Howard and his partners - that PUD doesn't deal with all of the issues and types of uses that are appropriate for a public airport - staff had been directed to develop a Zone District that was specifically for public airports - created the P/A (Public Airport) Zone District - added Section 3.13 P/A - there are no uses by right - the only uses that are allowed are uses authorized by the BOCC in accordance with the Airport Rule and Regulations Minimum Standards for Commercial Aeronautical Activities and the Adopted Airport Master Plan - will be the only Public Airport Zone District in Garfield County:

3.13	P/A - Public Airport
3.13.01	Uses, by right: None.
3.13.02	Uses authorized by the Board of County Commissioners in accordance with Airport Master Plan: Airport and accessory equipment, airport terminal complex, hangars Community building, day care facility; auditorium, public building for administration and operation, parking lot or garage, medical clinic Office for conduct of business or professional related to airport activities Commercial establishments, as listed below, provided the following requirements are observed: (1) All fabrication, services and repair operations shall be conducted within airport rules and regulations: (2) All storage of materials shall be within a building or obscured by a fence; Wholesale and retail establishments including sale of food, beverages, dry goods consistent with permits and licenses; Personal service establishments including sale of food, beverages dry goods consistent with permits and licenses: General service establishment, including repair and service of aircraft and aircraft equipment, vehicular rental, ground transportation, air cargo facilities, general aviation commercial, general aviation, noncommercial.
3.13.03	Uses, conditional: None
3.13.04	Uses, special use: Nine
3.13.05	Minimum Setbacks to FAA standards and regulations, building codes and other applicable regulations

3.13.06 Maximum Height of Buildings: Fifty 50 feet.

Carolyn Dalghren - Kenny Maenpa contacted her to say that Federal money has been received to do the master planning - at present there is no Master Plan which County has adopted - Rules & Regulations at minimum standards have been adopted at minimum standards - once Master Plan is put together, it will be brought to BOCC for formal adoption.

McCown - under the uses authorized didn't see anything for potential mass transit - public mass transit facilities - Commissioners wanted this to be included - may be a bus stop.

Mark Bean - add a "Use, Public Mass Transportation Facilities."

Recommendation

The Planning Commission recommended approval of the proposed Subdivision Regulation amendment to Selection 8:10, the creation of a new zone district text for the A/P, Airport, and Zone District.

Carolyn - both she and Kenny have reviewed the proposed Amendments.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

Larry - motioned to approve the Subdivision Regulation Amendment Section 8:10 as stated, and also approve adding a Section 3.13 Airport and following as presented in our presentation to the Zone Text Amendment with the changes as noted; Walt seconded; carried.

COUNTY ATTORNEY'S UPDATE - Additional item

Don - re: contract with Victor Sands presented by Toni Penton - reviewed it - insurance requirement that County provide proof of insurance and name the performer as an additional insured - runs contrary to normal County policy - wanted to be sure it was okay with the Board - also the insurance is written for \$500,000 limitation as well as \$1 million property coverage - knows that County insurance is not written for those limits or to provide property coverage for anything other than County-owned property - Toni can discuss it with Alan Chapman.

Chairman Martin - write the notation in letter form to her - she can send it back to the contract provider and say we cannot accept this contract with these provisions - see if they'd be willing to change them.

Larry - what kind of a contract did we sign last year with Smoking Armadillo?

Don - will try to do that before BOCC adjourns today.

Walt - will be meeting with City in the morning - continue this until then? - yes.

CONSENT AGENDA

a. Approve Bills
Cell Phone - Jesse Smith - checked it out. Several phones were included in that one bill.

b. Liquor License Renewal: Thunder River Market 3.2

c. Liquor License Renewal: Relay Station Tavern

The Board reviewed the Bills and renewals for Liquor Licenses.

Mildred attested that there were no negative reports against either the Relay Station or Thunder River Market.

Commissioner McCown noted there were several concerns of percentage overages in the budget, but felt these needed to be addressed by Administration.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda items A-C; carried.

BOARD OF HEALTH

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.

Mary Meisner-

Public Health Program Reviews

*WIC - program staff continues to pull together to serve the needs of clients despite staff illness.

*Immunization Program - (foreign travel clinic training was held 5/12/00 by Kate Lujan, IAP Program Director for Public Health Staff Nurses; all PHNS will now provide overseas travel vaccines)

*Well Health Child Programs - (PHNS provided a class on medication administration to Yampah School) community feedback continues to give rave reviews.

*HCP - Health Care Program for children with special health care needs continues to provide an excellent medical resource to clients and case management (cardiac clinic was held May 11, 2000 - 20 area children attended).

*EDTSP - continues to be a valuable resource to clients to find medical resources in our community (the CDPHE moving to a new computer system in the program called "IRUS" that should speed up client follow-up) - check for \$5,300 funding through state health.

Net Working and Collaboration Updates

*Dental Task Force - Board meeting held 5/11/00; plans being set for September 2000 return of Dental Van in September. Local coordinator, Galen Clark, doing an excellent job. Real positive for Miles for Smiles.

*Columbine Family Health Center - Board meeting scheduled for this Wednesday - Federal audit went well - they had suggested consolidating board meetings so they only last an hour - mini-task force/groups will report to board - clinic in Rifle and one opened in Idaho Springs - need bilingual consumer to come on the Board - Federal Government is requiring this as part of board makeup - board will retreat for training in June - a yearly meeting - Library in Frisco - Human Services Building - Board building activity that needs to happen.

Announcements

Healthy Beginnings - received Top Brass Award from the Glenwood Springs Chamber Resort

Lisa Pavlisick reported:

Statistics - Enrollees since 1 January 2000 - 108 patients/33 enrolled in their 1st trimester (32.7%)

Deliveries - 12 in January; 21 in February; 21 in March; 19 in April; 8 thus far in May.

Healthy Beginnings in Rifle - clinic went well on May 3. The next is scheduled for June 7.

Dinner Dance & Action Update - Very Good comments. good fund-raiser.

Top Brass Award - Healthy Beginnings recognized by Chamber on May 10

Glenwood Medical Associates Building - possible relocation is in discussion

Legislative Updates - Health Care Issues - Chris Tonozzi is great. House Bill 1076 did pass - a pilot program in the Metro Denver Area.

Funding Update - Received the \$5000 grant from Anschultz Family Foundation.

Kiwanis and Car Seats - approved 30.

Department of Health News - Prenatal Plus Site Visit - Chart Audit on June 7; Medical Chart Audit in

December - comments were constructive criticism - it was helpful - charts were the highlight.

Relevant Project - Specialized Women's Services - Colorado Association of Commerce and Industrial Education Foundation in town on next Monday - focused on health care.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go out of the Board of Health; carried.

HUMAN SERVICES COMMISSION

Human Services - Emergency Services

Steve Carcaterra presented

Salvation Army worker - Carolyn

Brief Update - Newsletter gave the 1999 totals:

Emergency Services - \$5,878 assistance with food, shelter, transportation, medicine;

Clothing Room Visits - \$8,742;

Thrift Store Gross Sales - \$35,459;

Extended Table Meals - \$5,467 and the amount of funds contributed by Lift-Up was \$118.00. This shows the commitment and participation of the community;

Thanksgiving Food Baskets - \$748;
Christmas Food Baskets - \$836;
Children receiving Christmas Angel Gifts - \$1,897

Miles for Smiles Dental Van - dentist office on wheels - there is a growing need and is supported by the community. Rotary contributed funds toward care. This is a reduced charge - patients are charged 10%. Aspen Community Foundation - \$15,000. Van will be back this Fall. 2 weeks in Glenwood, Carbondale and Rifle.

Partnership between Lift-Up and Salvation Army - Carolyn Spencer hired as a caseworker for the Salvation Army. Steve noticed an overlap in services. Now a part-time person to answer the telephone. Carolyn is co-located in Glenwood. All rental assistance Countywide is referred to Salvation Army, utilities and large drug prescription requests. Food and clothing is also handled by her when needed. Shows statistics - numbers going up as the area grows. The biggest challenge is recruiting volunteers. 3 1/2 staff members plus Steve.

Changed Parachute to a thrift store - all are now converted. No more duplication in services. The real new program is the dental van. Otherwise they are doing what they have always done.

Steve never received a copy of signed lease for the Rifle Property- talk to Dale Hancock.
Thanked the Commissioners for the use of the landfill when things are dumped off at their office.

Debbie Wilde - received the Athena Award.

Carolyn Spencer - commented that there is a serious need in the Valley for housing for working-class people ages 20-30; this is not the homeless, elderly, etc. - these are the clerks, waiters, etc., who get promised a job, get the job, but then cannot afford a place to live - if they find a place they can afford to pay for in Parachute or Rifle, then they come to Salvation Army for help with food and gas.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

Recess - until 7:00 A.M. Tuesday, May 16, 2000

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue; carried.

Attest:

Chairman of the Board

MAY 16, 2000
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, May 16, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green, Operations Dale Hancock, Engineer Randy Withee, Engineer Janice Loucks, and Clerk & Recorder Mildred Alsdorf.

Contracts - (2) for the Jail

Ed presented the Energy Impact Grant would necessitate the Commissioners to hold off until May 19th before the project is signed. Otherwise the Energy Impact Grant would not be available to the county for the jail project.

The estimated construction time was projected at 15 months after the start date.

The utility location to be completed by Gould Construction would require \$100,000 up front.

Commissioner Stowe made a motion to make the Contract effective on the 10th of May.

Commissioner McCown seconded; motion carried.

Randy Withee mentioned he had a conference with Bob Johnson regarding a discussion on payment. The first two releases have been paid for the Schematic and Design Development.

Architect Bob Johnson requested to bill for reasonable expenses - \$65,000 to \$67,500.

CR 116/117

Discussion was held on the intersection of CR 116 and CR 117.

Adjourn

Commissioner McCown moved to adjourn. Commissioner Stowe seconded; carried.

Attest:

Chairman of the Board

JUNE 5, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:45 A.M. on Monday, June 5, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:45 A.M.

COMMISSIONER REPORT

Commissioner Stowe - July 13, 2000 for a presentation RTE. A chance for a public comment session. 7 p.m. until 9:00 p.m. A regular meeting.

On going Jail; and Safety Meetings

Commissioner Martin - Community Correction - Thursday, June 8th - Hotel Colorado

Saturday, June 10th, 2 p.m. - Grand Opening of the Colorado Animal Shelter

Wednesday and Thursday - June 7th and 8th - Benefit Pancake Breakfast - Glenwood High and Fairgrounds 8 -6 - 9 p.m. Fund-raiser for Tom of Road and Bridge.

REGULAR AGENDA

STATE PARKS - DIVISION OF WILDLIFE: LAND EXCHANGE PROPOSAL

Kurt Mill, Bill Wade, and Steve Yamashita were present.

The discussion centered around the 700 acres of public lands surrounding Rifle Gap Reservoir that will be changing hands among two state agencies - Colorado Division of Wildlife and Divisions of Parks and Outdoor Recreation. This is a federal grant program that would help ensure \$10 million in grants. The funds come from the Pittman-Robertson and Dingell-Johnson Acts.

In 1998 federal audit raised several issues regarding Colorado's participation in the programs. Issues included the DOW allowing properties purchased with state fishing and hunting license fees or federal grants under the acts to be managed as state parks by the DPOR. Previous audits between 1976 and 1998 did not review leases between the two agencies.

In 1972, Colorado Game, Fish and Parks Department was split into the DOW and DPOR. Some parcels of land owned by the DOW were managed as part state parks. The U.S. Fish and Wildlife Service (USFWS) is seeking assurance that DOW Property and revenue are being used for fish and wildlife purposes. The DPOR was managing 16 properties purchased with either wildlife cash funds or federal aid grants as state parks and collected access fees to those properties.

If the issues raised by the audit are not resolved, the USFWS may seek to declare Colorado ineligible for further grants and withhold about \$10 million in grants received annually by the DOW.

The properties include 48 acres near Rifle Falls State Park now owned by the DOW that will be transferred to the DPOR. 220 acres north of Rifle Gap owned and operated by DPOR will be transferred to the DOW and added to the West Rifle Creek State Wildlife Area and 157 acres south of Rifle Gap and 264 acres west of the reservoir along with associated water rights. Kurt stated that Bob Wiig has assured that the change in ownership and management will not alter any public uses of the lands involved.

The deadline date for this land exchange to occur is April 1, 2002.

The County Commissioners endorsed the land exchanges. The changes will not mean any reduction in the state payment in lieu of taxes funds. Now the state legislature's capital development committee must recommend the transfers occur, then lawmakers must approve appropriate legislation.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution supporting the land swap agreements between State Parks and Division of Wildlife as so noted and described in the handout and discussion; carried.

LETTER OF RECOMMENDATION - RUSSELL GEORGE'S APPLICATION AS DIRECTOR OF DOW

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to write a letter of recommendation sent to Greg Walcher, executive director of the Colorado Department of Natural Resources, in support of Russell George's application as director of the Division of Wildlife (DOW); carried.

PUBLIC COMMENTS CITIZENS NOT ON THE AGENDA

Ken Kriz 483 CR 167 - aka Coryell Road, explained his purpose for coming before the Board. He said the property was sold but the right-of-way on Coryell Road was never deeded to the people who purchased the lots. Sometime in the early to mid-80's, the owner decided to let it go back for taxes. A man purchased the certificate and threatened to put a road block and charge the lot owners a toll to get to their own houses. The bottom line was as they got everyone together and chipped in and purchased the certificate back and then dedicated it to the County. In the whole process there were certain places where there was only 15' of right-of-way; in other places 40'. Commissioner Smith, Mackley, and Arbaney agreed that if the lot owners could get 40' of right-of-way in all areas on the road, they could build a 26' wide road. This took approximately 3 years to get all the surveys, signatures, and paperwork signed over. The 40' of right-of-way was obtained all the way. To bring the road to County specifications would have cost \$85,000 to \$100,000. On the maps Ken showed the Commissioners, the property values of all the properties and those percentages is what that piece of property amount to as far as percentage to total 100%. The idea was that a Special Improvement District and the percentage of the \$100,000 would be billed to each with their taxes for 10 years. There was dissension. Ken had 85% of the people signed up agreeing to the change and those against it came to the Commissioner's meeting and raised enough protest that Commissioners Arbaney and Mackley voted no on the deal. The three years of work and \$3,000 was wasted.

Ken moved to the area in 1979 the hill toward CR 154 Road was graveled and wash boarded. When the streets were being paved in Carbondale, the Rotomil was hauled down here and paved that road. Now the County is issuing building permits for landowners in this area; the former protesters sold their land and left. To try and do another improvement district would yield opposition.

His request to the Board is -- when you can't force an improvement district on the people, is there anyway the Commissioners can assume some type of maintenance on this County Road 167?

There were 25 pieces of property - now property has been sold for commercial use and there is a great deal of traffic.

Ken added that the County does not provide any kind of maintenance for CR 167. He thought repairs to the asphalt with patch material; the sides of the road are caving in due to heavy cranes; a possible solution might be to apply a couple loads of gravel and maintenance twice yearly would help greatly.

Action by the County

Commissioner McCown stated they could send Tom Russell out on site and then bring a recommendation to them. Commissioner Stowe and Chairman Martin agreed with this concept.

SCHEDULED WORK SESSIONS/DISCUSSION/DECISIONS:

PUBLIC HEARING: LIQUOR LICENSE SHADETREE ENTERPRISE, INC. DBA THE GUZZLER

Mildred Alsdorf conducted the hearing. She swore in the speakers.

This is an establishment that was sold to Shadetree Enterprises, Inc., Melvin Saskse.

Mildred stated she received the application; she reviewed the premises; a temporary license was approved by the Board to Mel Saskse; criminal histories were ran; and to date no fingerprints came back but

everything else is fine. This hearing was published; Mildred determined that the sign was posted properly in the window of the premises; the inspection showed that the necessary requirements in place for a liquor establishment; the background check did not find any negative reports; and Mildred asked this to be approved by the Commissioners.

Mel stated they purchased the place to make a living. He wants to operate a good business and will be operated by his son and himself. He wants to be a good citizen in the community.

This process began with Mel on June 1. Currently they live in Grand Junction.

Mel introduced himself to the Chief of Police in Parachute.

Mildred called to the attention of the Board that The Guzzler had a problem with serving to an underage individual. Mildred has set up a alcohol sales and servers school for June 14, 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the application for Shadetree Enterprises, Inc. dba The Guzzler for a retail liquor store; carried.

Mel Saske made a public comment - "Mildred Alsdorf is a neat County Clerk and suggested the Board not ever let her go."

The Commissioners agreed with Mel's comments.

OPEN SPACE GROUP

Bob Schultz, Pat Fritzgerald, and Charlie Willman came to the Board to share some ideas.

Bob Schultz told the Board that a planned November Ballot Questions that would create a special district within most of Roaring Fork School District.

A group of 22 individuals form the Coalition who have been meeting over the last 6 weeks in trying to look at different ways to do this. The latest State Statutes are written it brought them down to two options:

Nonprofit Organization

A 2.5 property tax mill levy would be sought to raise around \$1 million a year for the purchase and preservation of open space between Glenwood Springs and Basalt-El Jebel areas. The reason the boundaries didn't extend beyond Glenwood Springs is because of the county's comprehensive plan has a proposed policy on open space for these areas that can help the effort. Extending the district west could occur at a later time.

The property tax mill levy money, along with Great Outdoors Colorado Grants - 30% - 50% match - would be used to service a \$10,000,000 bond issue that would be subject to voter approval. Recreational improvements such as trails, playgrounds, picnic areas and the like could be made on some of the property. On a house valued at \$300,000 the 2.5 mills would be \$75.00 a year.

Charlie Willman said the Coalition has said they would include wording in the district's service plan to bar condemnation for acquiring land for such purposes. Agricultural uses would not be prevented from continuing those activities if they grant conservation easement to such a district.

Taxing Option

The second option is a taxing approach. On this approach, it was estimated that 35% of the people will vote no.

Of the \$10 million to be generated by the Coalition, 70% of the funding would be for property acquisition; 15% for recreation improvements and maintenance; and 15% for paperwork and responsibility for controlling weeds.

Boulder and Jefferson County dedicated 15% of the land for little trails, picnic areas and not highly developed but passive recreation. Examples of passive recreation included walking dogs and flying a kite. Other uses would for playgrounds and the like.

Commissioner McCown voiced a concern that adjacent neighbors would not have a voice in any change in land use once a parcel was secured by the district.

Charlie Willman noted that district supporters want to ensure the public would be involved in any purchase and improvements.

The financial adviser is Dean Weiser; local counsel is Sherry Caloia.

A Survey in Carbondale indicated the passive areas were preferred.

Steering Committee Issues

Two issues as a Steering Committee said they would include wording in the district's service plan to bar condemnation for acquiring land for open space. The only kind of negotiations would be strictly from volunteers.

Mark Bean was reported to be very supportive. If Board of County Commissioners agree, this group would pursue it.

Charlie Willman added that some of the property is located next to Eagle and Pitkin. To keep in joint areas, they will have annual meetings.

A few of the concerns raised were, it would prevent Municipalities from growing - they would work jointly with it.

Again the two goals stressed are, 1) preserve Open Space; and 2) allow agricultural land to remain. This would provide funding mechanism to pay for these agricultural lands.

Special District will hold the title to the land.

Charlie Willman said the makeup of the elected board is one from Garfield County, Glenwood Springs, Carbondale, and Basalt.

Discussion was held.

In response to the Commissioner's questions, Bob Schultz responded that any changes of major intensity would have to be before the Board of Commissioners and taxpayers. The Board can expand it. Bob stated they would be comfortable to put whatever language.

Mildred Alsdorf asked if everything would be to her in time for the ballot?

The Ballot cost question was inquired.

Mildred said that the cost for the ballot question (includes all the final costs) are prorated on the cost determined by the number of voters in the specific precincts.

Bob Schultz stated he would have the service plan to Mildred by Friday noon, June 9, 2000.

The time-frame for the service plan was defined as, 10 days after the plan is received and payment made it will go to the Board of County Commissioners; then a referral to the Planning Commission; then 30 days after heard by the Planning Commission the hearing before the Board.

A date of June 20th was set to hold the hearing before the Board of County Commissioners.

Bob Schultz stated that all of the issues will be formulated under the same ballot question.

BID AWARD: AIP08 TAXIWAY EXTENSION

Ken Maenpa and Carolyn Dalghren were present.

Ken submitted the bids for the AIP08 Taxiway Extension.

Raytheon Infrastructure, Inc., Frank S. Bush sent a letter to Ken regarding the project. Bid proposals for the referenced project were received and opened on May 2, 2000 at the Garfield County Regional Airport.

Four (4) bid proposals were submitted for Schedule I summarized as:

Bidder	Schedule I
Con-Sy, Inc.	\$ 1,229,838.04
Gould Construction, Inc.	1,309,037.21
PHD Contractors, Inc.	1,318,920.00
Randall & Blake, Inc.	1,512,312.50
Engineer's Estimate	1,225,000.00

Ken said that Con-Sy, Inc. had some small extension errors - their final bid submitted was \$1,229,893.00.

Con-Sy also submitted a proposal guaranty in the form of a 5 percent bid bond and a list of the DBE subcontractor and subcontractors, which will be used for the project.

The DBE subcontracts account for a total of \$ 77,015.00 for Schedule I, which is 6.2 percent of the total bid project bid. Total subcontracts account for a total of \$494,632.00 or 40.2 percent of the project bid.

Based upon the information provided by Con-Sy, Inc., Raytheon feels they are capable of completing this project.

Ken stated that the recommendation is that the Garfield County Regional Airport and Board of County Commissioner of Garfield County, award Schedule I to Con-Sy, Inc. for a total cost of \$1,229,838.04 subject to receipt of sufficient federal funding. A concurrence in award from the FAA is being requested.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the bid to Con Sy for \$1,299,838.04 based upon concurrence by the FAA, and authorization for the funds; carried.

2nd Amendment- Release to Contract

Isbill Contract for Engineering Services. Per Assistant County Attorney review, a request for the Chair to be authorized to sign the Amendment was made to the Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Amendment for Isbill for the pre-designed through construction phase for the taxi way extension for \$82,000.00; carried.

State Grant for the Airport Maintenance Project - Fog Seal and Pavement Markings for Runway - Amendment to AIA Document A201-1997

Ken stated this will occur in the near future for fog-seal and pavement markings for the runway. A notice of award was to Asphalt Specialists in supply and they have provided the necessary performance and payment bonds, and qualification. Ken requested the Chair be authorized to sign the standard for of agreement between the owner and contractor and the amendment to the AIA - General Conditions to contract for construction. This has been reviewed by the County Attorney.

Carolyn Dalghren commented that this is state money.

A motion was made by Commissioner Stowe to approve the contract as described by Kenny Maenpa. Commissioner McCown seconded; motion carried.

Grant Offers

Ken provided information regarding offers for grants for this taxi way project as well as the master plan update and will be requesting Amendment II to Isbill Professional Services.

Airport Fuel Sales

Ken submitted the Garfield County Regional Airport Fuel Sales (gallons) in a chart format showing the results from 1997 to present.

The operating revenue in chart form was submitted showing the fuel flowage, aircraft parking, and rental car fees comparison for 1998, 1999 and 2000 to date.

Ken also submitted the graph of fuel sales for Jet A and Avgas from 1995 - 2000.

Ken said they will receive their second refurbished tank next Monday, June 12, 2000 and hope to have installation completed within a week.

AMERICAN SODA PROJECT: PROGRESS UPDATE

Kurt Nielsen provided the Board with a progress report on the project. The cutoff date for Resumes submitted is June 15. They plan to interview in July with August as those selected to begin work; thus the increase in staff.

Kurt stated the building was closed in at Parachute and currently 81% complete. Kurt also provided the Board with the Pipeline statistics regarding the Parachute site. Rio Blanco is approaching 100% of trenching on the pipeline.

Ahead for November is the start up for the entire facility. Broke ground Jan. 6, 2000 at the Piceance site. For all three sites the staff will peak at 690; however, the average is 500. 1/3 of the construction is comprised of workers within the State of Colorado. With respect to construction personnel work force, there have been no complaints on the workers at either of the three sites. Between the Piceance Creek and Battlement Mesa sites, there are 400 employees; these workers are living in Battlement Mesa and Parachute. They have filled the RV Park as well as available housing in Battlement Mesa. Kurt said that the traffic is noticeable in Rifle.

Kurt stated he was open to feedback and suggestions.

Ed added that permits for the County and State are in compliance and in place for the ground work; the underground work for the pipeline is under appeal. ICU is issued by IPA and there are no holdups. Aware of fire hazards and taking it into consideration everything they do.

Have specialists to take care of noxious weeds.

Kurt reported that Weed and Pest Director Steve Anthony has done a field inspection and verified the environmental issues were in compliance.

Mildred stated that she needs to get motor vehicle permits for the workers.

Commissioner McCown mentioned that he appreciated American Soda for hiring local administrators.

Ed added that they are working diligently at hiring locally.

COUNTY ADMINISTRATOR'S UPDATE: ED GREEN

a. Remembrance: Dottie Piccinni

Ed said Dottie worked at Social Services for two years in the Single Entry program and managed some difficult cases with great success. Dottie leaves us with a legacy of love, dedication and a relentless desire to do the right thing for the people she served.

In "Remembrance of Dottie Piccinni" in words and photographs are in various departments and in local directories.

b. Employee of the Month: Dusty Cline

Dusty donated the money to the fund-raiser for Tom Trevena who will be going in for surgery with a lengthy recovery period.

c. Veteran Service Officer Contract

Dale Hancock, Joe Carpenter and Joe Carpenter, Jr.

Joe thanked everyone at the County for everything while he was the Veteran Service Officer. Joe recommended as his replacement, Joe Carpenter, Jr.

Dale said there were 5 applicants. The committee felt Joe Jr. was the most appropriate applicant.

This position is classified as a contractual employee versus an FTE. Dale explained by handling the position in this manner it will save the County \$6,000 yearly.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint Joe Carpenter, Jr. as the new Veteran Service Officer and to have this as a contractual position; carried.

Y Mower Award

Tim Arnett and Tom Russell presented the Mower Award.

Tim explained the bid from Western Implement was the lowest. This includes the acquisition of a new Holland TS100 tractor with Tiger TRB50C boom type mower at a total cost of \$65,400.00 with trade-in.

Tom Russell stated that \$70,000 was budgeted for the year 2000. Chairman Martin said he was please that the County is using local businesses.

Vote on the Motion: McCown - aye; Stowe - aye; Martin - nay.

Y Skid Steer Loader Dealers

Tim Arnett and Tom Russell presented.

Tim sent to two pre-qualified Skid Steer Loader Dealers. The two responses were from \$28,530.00 and \$37,790.00. Tom recommended the Bobcat 873 loader with a Superior ZPT6M-T trailer for \$28,530.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award Western Implement for the acquisition of a Bobcat 873 loader with a Superior ZPT6M-T trailer for \$28,530. Motion carried.

Y Riding Arena Update

Janice Louchs and Tom Russell gave the report on the fire suppression and mechanical, and other improvements.

Tom Russell volunteered to do the grading and landscaping for drainage purposes.

Overhead Doors will be coming out today looking at the Arena and Events Center and determine the cost and time frame to hang the doors.

What remains to be done before August 1st is laying the electrical conduit for the lines and the plumbing.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the B & B Electrical contract once approved by the County Attorney and authorize the Chair to sign the contract for \$250,000.

Y County Road 109 MOD Approval

Randy Withee Tom Russell and Schmueser, Gordon, Meyer Engineer Dan Cokley - approached the Board for some additional funds. \$800,000 the was original amount that would need to be designated from the County.

Randy stated that \$2.3 million was the original amount designated when they started this project. Randy said the budget was \$2.3 knocked down to \$2 and then an increase last fall and now with the wall construction, it will be at \$2.35 million.

Commissioner McCown mentioned this road has cost the County a whole lot more than was estimated.

Randy stated that today, there is still a need for additional funds. The soil conditions and construction of the wall has resulted in this last need for additional funding. Randy stated that there is no alternative. If this isn't approved then the road will not be safe and cannot be used.

Chairman Martin commented that the Board would need to take a hard look if any more change orders come in.

Commissioner McCown mentioned it doesn't matter, if we want to fix the road, then we've got to be willing to pay for it.

Commissioner Stowe said he realized the importance of this road. Some land transfers were dedicated to the County and saved some expenses. This road will be used for a lot of years and felt the need to upgrade it all the way versus stopping at this small point. He was concerned when a project goes over that much, considering how much work on other county roads is needed. He mentioned that they have already gone \$250,000.00 over budget for this road.

Dan Cokley stated there shouldn't be any more change order requests.

Cost were justified and classified as: Construction - \$2.1 million; SGM - \$240,000; HP Geotechnical is \$30,000; and subtract the Aspen Glen contribution for the pavement and it comes to \$2.5 million.

Dan explained the fact of the construction going in two phases almost doubled the construction time; and the lack of gravel on the road in the 2nd year.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the extra expenses for the County Road 109 completion totaling an anticipated cost of \$2,348,785.54 which is an increase of approximately \$250,000.00; carried.

Y Sewer Line Extension MOD Approval

Randy Withee submitted two items:

Issue No. 1 is in regards to the installation of the sewer line. He commented that during the insulation on the sewer line, a rock shelf was encountered. This required some different methods resulting of excavating and installment of the line. This is an increase price of \$15,991; and 2) the contractor asked for pea gravel and got class 6 material that was to go around the pipe; there was a credit for the pea gravel making the increase come to a total of \$13,989.83.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the increase of \$13,989.83 change order on the sewer line extension at the Airport; carried.

Ed said the original estimate was more so we are in good shape on this one.

Y Soils Testing - Airport Land - New Property Improvements - Rifle

Randy Withee stated this only came to him on Friday. The City of Rifle proceeded with HP Geotech and gave them a proposal for \$7,904.00. Randy commented that he had review it and the rates are basically the same out here for the jail.

Chairman Martini commented on the 64 trips back and forth in 2 months to Rifle submitted by Randy.

Manhole bases are in; some changes but Bob Howard will pay for these.

Water line - Advertisement for bids should be out June 8, the bids by 23 June; work starts July 10th and complete the work by September 15th.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contract for HP Geotech for the soils testing on the Sewer Transmission Line for the Garfield County Airport in an amount not to exceed \$7,904.00; carried.

a. Approval of Agreement with Mesa County Re: Access to Gravel Pit in DeBeque

Tom Russell met with Mesa County Officials and provided information regarding the Schmidt Tiago Gravel Pit at DeBeque. An agreement will be worked out with County Attorney Don DeFord and reviewed by before the motion to approve.

Tom stated this should occur Friday afternoon.

b. Position Reclassification Approvals

Phyllis Lundy presented the position reclassifications to the Board for the Fairgrounds Manager/Events Coordinator and Road and Bridge Motor Pool Coordinator/Mechanic. She said that the Personnel Committee approved both. Both of these positions were classified wrong. This reclassification placed both into a different category.

A motion was made by Commissioner Stowe and seconded by Commissioner to approve the two changes in classification - 10 points for Fairgrounds Manager/Events Coordinator and for the Motor Pool Coordinator/Mechanic from a B to a D; carried.

Y **Landfill Update - State Inspection**

Graig Kuberry, Janey Dike and Tom Russell presented the landfill update.

Tom said that Donna Stoner came in from the State to do an inspection; she was pleased by the records kept in the file. There are some requirements that a lot of these records need to be kept at the landfill as well as the office. She was impressed by the cleanup; the trailer houses; piles were in neat orderly places. There were some items that need to be taken care of - Safety Minutes on file; weight screening and record keeping; construction as-built reports that include a log noting when inspections are done to monitor possible seepage from the cells.

Janey stated in digging pits, she wanted that as a progress report including time frames and cubic yards of dirt to be moved. Also, items that need to be inspected by the State in the file. Regarding Closure - This was the most important issue of the Inspection to be addressed - Closure and Pot-Closure Plan. Tom stated the County is approximately 2 years behind in filing these documents. The purpose is to establish the financial assurance. There is still a need of a formal county plan that outlines the financial assurance and a document showing the \$500,000.00 already in the fund.

Gate house - This will soon be a reality.

New Cell - Excavation is approximately 3 weeks from completion.

Revenues - With the new rates, revenues are approximately \$60,000.00 monthly. This is for the charge customer only.

Y **Fairgrounds**

Toni Penton submitted Fairground Contracts for 3 horse shows for the Colorado Horse Show Association and one for Antonio Ruiz.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the four contracts as submitted; carried.

CONSENT AGENDA:

a. Approve Bills

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the payment of the bills as submitted; carried.

b. Approve Request of Board of County Commissioners to Refer Wilson Special Use Permit

c. Sign Final Plat Mylar and Resolution of Approval: Craig Subdivision Exemption

d. Sign Special Use Permit for Home Occupation: David Hatch

e. Sign Exemption Plat and Resolution of Approval: MJN Land Investments

f. Sign Resolution of Approval for Subdivision: Carl & Ruth Bernklau

g. Approve Request for Thirty (30) Day Extension of Time to Record a Final Plat for the Four Mile Ranch Subdivision

- h. Approve Request for an Extension of Time to File a Final Plat for the Van Hoose Timber Gulch Subdivision
- i. Approve Request to Sign an Acknowledgment of Partial Satisfaction of Subdivision Improvement Agreement for the Coryell Ranch and Midland Point Subdivisions
- j. Sign Resolution of Approval: Ukele Acres Preliminary Plan
- k. Determine Referral/Non referral of Ski Sunlight Public Gathering Special Use Permit Application

Mark stated this request from Sunlight Mountain Resort/Bug Productions/KSPN Radio for a Special Use Permit requires that the Board of County Commissioners hold a public hearing within 60 days of submission to the County. He explained the time constraints of going through the Planning Commission. Mark submitted a portion of the application and comments received from the Sheriff and Glenwood Springs Fire Department.

Additionally, Mark indicated that the property in question for the SUP is zoned Commercial/Limited and that this zone district does not have provisions for a "public gathering".

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to set this for a public hearing before the Commissioners for July 10, 2000 at 11:45 a.m.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the consent agenda items minus b - f; h - i and j; carried.

Item g. Consent Agenda

- g. Approve Request for Thirty (30) Day Extension of Time to Record a Final Plat for the Four Mile Ranch Subdivision

Mark Bean submitted a letter from Leavenworth & Tester regarding an extension request of 30 days for Final Plat for the Four Mile Ranch Subdivision.

Mark explained that this involved security and agreements that are not currently in place. Mark added that he didn't feel this approval by the Board would pose any problems to the County. Mark added that if the Commissioners have a problem in granting an extension; then, since the request was proposed to the Commissioners in a timely manner, it could be set at a later date.

Commissioner Stowe moved for a 30-day extension for Four Mile Ranch. Commissioner McCown seconded; carried.

Ed mentioned he had (3) other items to present to the Commissioners.

Rural Resort - Wagner-Peyser Group Meetings - Commissioners Approve the Designation of Proxy Authority - Bill Wallace

A motion was made by Commissioner McCown to appoint Bill Wallace as the proxy authority and authorize the Chair to sign the Letter to Wagner Rural Resort Region, Workforce County Commissioners. Commissioner Stowe seconded the motion; carried.

- 2) Diversion of Adult Parole - Ed submitted the contract with State Division of Adult Parole for Intensive Supervised Parolees for \$2,130.00.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contract; carried.

- 3) Fairgrounds Ball Park Lease with RE2 Schools.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Fairgrounds Ball Park Lease with RE2 School and authorize the Chair to sign; carried.

CITIZENS NOT ON THE AGENDA

Barton Porter - Sierra Pinyon

Barton said he wanted to clarify for certain regarding the septic system on Sierra Pinyon that is evidently giving a lot of trouble. The landowners went to the County and the County said they inspect and they want me to fix it, but I just can't get it through my head that the County people aren't responsible for this -- they want them to go in there now and do a complete new system. It's going to cost them a right arm to get this done and they'll actually telling them that either do it - or we'll have to kick you out of the house. I think this is a little...

Chairman Martin - is that coming from the Code Enforcement Officer, Barton?

Barton - I don't know who it is - but it is from the County.

Mark said the inspections that occur in a septic system, unfortunately, only identify that everything was placed in according to plans and specifications. Then it is covered up and the we don't see it until it's final covering is done. The inspectors did go in and the system that was put in there met the basic requirements that was allowed to be at that time, but beyond that, once it's covered up, we don't see what occurred after that. From my understanding, there is some things done to this that were not consistent with that as far as the covering goes.

Chip and Seal - Alkali Creek - CR 314

Barton Porter mentioned that there are Deal - monitor at mouth of CR 314. He said there are now 11 house in 2.7 3 miles.

Chairman Martin suggested Mag Chloride.

Barton said he doesn't want it. Makes the road muddy - lets moisture stay. It is a rough road and he could get these 11 homeowners to sign petition if needed.

Chairman Martin suggested Barton to get the petition.

Next year, Barton said, he may leave the area. They have a good offer.

COUNTY ATTORNEY'S UPDATE: DON DEFORD

a. Amendments to Jail Facility: Lease Purchase Agreement

Don DeFord explained the amendments and submitted them to the Board in a proposed Resolution No. 00-0__, Series 2000.

He said this has been discussed over a period of time. This amendment would alter the definition of the term "contract" to a contract between the County and the General Contractor for the County and a Subcontractor. This takes out of the definition the current meaning that includes the contract between the contractor and the subcontractor as an item that's covered by the lease-purchase agreement. The significance of that is it means that all subcontractors working directly by agreement with Haselton Inc. do not have to purchase bonds that are not of transaction.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign all necessary documents to accomplish the first amendment to the lease purchase agreement as described by Don DeFord.; carried.

b. Release to Contract 4 & 5 Architect - Detention Center

Don explained that this is for the bidding process and the subcontractor. The amounts set forth in the release coincide with those in the budget - \$45,000.00 plus reimbursable expenses with the \$65,000.00 established as the ceiling for reimbursable expenses by the Board of County Commissioners for this contract.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Releases 4 & 5 to the Contract for Architect Reilly Johnson for the Detention Center; carried.

EXECUTIVE SESSION - Litigation Matters - TeKe Park - TeKeKi Subdivision - Codes Enforcement - Oil and Gas

Don provided the Board with an update on the Oil and Gas Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

BUILDING & PLANNING ISSUES - PUBLIC HEARINGS:

REQUEST FOR APPROVAL OF THE RICHARD A. MEDINA CONDITIONAL USE PERMIT APPLICATION. LOCATED: 0064 APPLE DRIVE, SOUTHWEST OF NEW CASTLE. APPLICANT: RICHARD A. MEDINA

Jeff Laurien, Don DeFord and Richard Medina were present.

Don DeFord questioned the applicant, Richard Medina, if the property owners that are immediately adjacent to his property, are they were aware of today's hearing?

Richard responded, absolutely.

Don stated, Mr. Medina presented to him a petition indicating support for your home occupation; is there a signature on this document from all of the people who are immediately adjacent to his property.

Richard Medina stated within 300 feet of my property, are all on that paper.

Don - everyone?

Richard Medina - everyone.

Don - and you're personally aware of that?

Richard Medina - yes.

Don - you didn't have to verify that through the County records, did you? You are aware that you didn't do that, is that right?

Richard Medina - I'm aware that I did do that.

Don - you did check with the County records?

Richard Medina - for what?

Don - to verify adjacent property owners.

Richard Medina - oh, yes I did.

Don - and when did you check with them?

Richard Medina - the same day I picked up that application and they gave me a copy of the property. But they gave me all these papers - came out of the Planning and Zoning - I don't have a list - I guess they give you a receipt, don't they?

Don - Was it sometime within the last 60 days that you verified the ownership of property adjacent.

Richard Medina - yes, it's been since I got the letter.

Don - okay. Do you know when the people who live adjacent to your property signed this petition.

Richard Medina - yeah, they signed it just after I got this letter from the Commissioners here, that I had to sent a certified letter -- I was under the understanding that if they signed a petition, I wouldn't need to sent certified letters and put the legal.

Don - did those individuals sign this petition more than 15 days ago?

Richard Medina - yes.

Don - the public notification is adequate - it's a little bit irregular but I think based on the testimony you just heard, it's evident that adjacent property owners received notice of today's hearing more than 15 days passed, so I think based on the testimony and accepting these documents into evidence, you're ready to proceed.

Chairman Martin swore in the speakers.

Jeff Laurien submitted the following Exhibits:

Exhibit A - Notice Information & Proof of Publication; Exhibit B - Application; and Exhibit C - Staff Report

Chairman Martin entered Exhibits A - C into the record.

This is a request for review of a Conditional Use Permit to allow a Home Occupation (auto body repair, painting and welding) for Richard Medina. The property is located in the Mountain Shadows Subdivision in Apple Tree at 0064 Apple Drive, New Castle.

Jeff proceeded to review the staff report.

Recommendation:

Staff recommends Approval with the following conditions of approval.

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

Appropriate building permits will have to obtained for the proposed shop.

The side yard setbacks of the proposed shop will have to be at least ten feet (10').

Hours of operation will be restricted to 9:00 a.m. to 5:00 p.m., Monday through Friday, and from 9:00 a.m. to 12:00 p.m., on Saturdays. No Sunday operations will be allowed.

A maximum total of three (3) vehicles may be stored and/or worked on, inside, on the premises at any one time.

A six foot (6') privacy fence must be constructed by the applicant along the southern boundary of the subject lot.

No signs advertising the home occupation may be placed anywhere on the subject property.

All operations of the home occupation must be conducted within the dwelling or accessory building (proposed shop), including the storage of any and all cars, equipment and materials.
No employees are allowed for the home occupation. Only the property owner, and any family members residing at the subject property, may be involved in the home occupation.
Any non-domestic liquid waste produced by the home occupation must be stored in a non-discharging vault with the proposed shop and disposed of in a landfill that can accept the waste. No non-domestic liquid waste may be disposed of in the water or sewer system. All other waste must also be stored within the proposed shop and disposed of in a landfill that can accept the waste. Any leaks of liquid materials or waste must be cleaned up to prevent any danger to people.
Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this conditional use permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all activities and may be subject to revocation of the conditional use permit.

Richard Medina was asked if he had anything to offer.
Richard Medina - no

Chairman Martin asked if he was open to questions from the Board? Have you read all these conditions?
Are there any questions of staff?

Richard Medina - no

Commissioner Stowe asked if Richard Medina had read through the conditions and you agree to all these conditions?

Commissioner McCown asked Richard Medina if he was comfortable with the hours of operation?

Richard Medina - yeah.

Commissioner McCown, I'd say if there's a violation that you could be where you get in trouble, therefore, I want to make sure you're comfortable with those. You start having people show up and you start sanding and grinding at 7:00 a.m. - you're going to be in violation.

Richard Medina - I understand.

Commissioner McCown - okay.

Chairman Martin asked if anyone in the audience wish to give any testimony? None from the audience.

A motion was made by Commissioner McCown to close the Public Hearing. Commissioner Stowe seconded; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Conditional Use Permit to allow a Home Occupation with the 11 conditions listed on page 4 and 5, 1 - 11. Motion carried.

REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED: TRACT 22, AMEND FINAL PLAT, TRACTS: 5, 11, 12, 21, 22, 27, 28, 37, 38, AND 43 ANTLERS ORCHARD DEVELOPMENT COMPANY, S6,T6S,R92W; APPROXIMATELY 1.5 MILES NORTHEAST OF RIFLE, OFF OF COUNTY ROAD 225. APPLICANT: DONALD SMITH

Don DeFord, Jeff Laurien and Donald Smith were present.

Don reviewed the notification and returned receipts and determined by questioning the applicant that adequate and proper notification and posting were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Jeff Laurien submitted the following Exhibits: Exhibit A - Proof of Publication and Returned Receipts; Exhibit B - Application; Exhibit C - Staff Report

Chairman Martin admitted Exhibits A - C into the record.

This is a request to review of a Special Use Permit to allow an Accessory Dwelling Unit. The property is located on a vacant lot of 9.367 acres.

Recommendation

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

Section 5.03.21 of the Garfield County Zoning Resolution, 1978, as amended by complied with.

Prior to the issuance of a Special Use Permit and any building permits for the Special Use, the applicant must demonstrate the following for the well on-site: That a

four (4) hour pump test be performed on the well to be used;

A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;

A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots; an assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

The water quality tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

Any violation of the terms, interpretations or agreements made or represented to Garfield County by the applicant pertaining to or included in this special use permit, shall be considered a breach of the terms of conditions and the applicant shall cease and desist all activities and may be subject to revocation of the special use permit.

Donald Smith mentioned this steel building has been erected for four months; he had also done the 4 hours pump test. It was done in September 1998.

Jeff called attention to the well test saying there were 6 different tests.

A motion was made by Commissioner McCown to close the Public Hearing. Commissioner Stowe seconded; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the SUP with the 4 conditions as mentioned by staff; carried.

REQUEST FOR A SUBDIVISION EXEMPTION TO SPLIT A 41.4 ACRE TRACT INTO TWO (2) TRACTS OF LAND APPROXIMATELY 12.0 AND 29.4 ACRES. LOCATED: EAST OF RIFLE OFF OF STATE HIGHWAY 6 & 24. APPLICANT: CENTRAL AGGREGATES, INC.

Greg Butler submitted a letter from Stuver & George requesting that the Central Aggregates SB 35 Exemption request be withdrawn from the June 5, 2000 agenda.

REQUEST FOR APPROVAL OF THE FINAL PLAT FOR ASPEN EQUESTRIAN ESTATES: LOCATED: NORTHEAST OF CARBONDALE OFF COUNTY ROAD 100. APPLICANT: ASPEN EQUESTRIAN ESTATES, LLC.

Don DeFord, Ron Liston and Herb Cline were present.

Mark reviewed the request.

Herb Cline asked that the Board sign the final plat.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chairman to sign the Final Plat and Subdivision Improvements Agreement; carried.

REQUEST FOR 7 YEAR VESTING BY ASPEN EQUESTRIAN ESTATES

Herb Cline justified the request of the Board for the 7 year vesting right of the property saying they would like to facilitate the orderly development of the property -- it has 47 lots and market conditions which can change from time to time with interest rates going up, purchases slow down, development slows down. They don't want to their buyers or the developer be compelled to prematurely develop property simply because the vesting rights period may be expiring. Today they are seeing disturbing interpretations of what is a vesting right versus what is not a vested right at the upper end of the valley. Situations were developers have put in millions for infrastructure, paid fees to the County, sold some lots in development, then told by

the County Commissioners that they are subject to brand new regulations. This is what they want to avoid. Herb stated he didn't expect this to happen in Garfield County and have held discussions with Mark Bean about it who agreed. But things change. A lot of development has occurred out of fear. Herb would prefer it to be a market based system. The seven-year vesting right will help assure buyers that they don't have to build right a way and deal with for State planning purposes, etc.

Mark stated that a final plat agreement has always been the vesting rights of the property.

Mark said the standards in the State Statute mention a 3-year vesting. A property owner can request a longer period of time and it is approved or disapproved by the Board.

Ron mentioned that the project was trying to protect the current regulations and the character of it. He mentioned that the project improvements will be made by a date certain.

Don stated the Subdivision Improvements Agreement requires that the project infrastructure must be completed within one year and if they do not comply with that agreement, the affect of that is to void the vesting rights.

Commissioner Stowe moved to close the public hearing; Commissioner McCown seconded; carried.

Commissioner Stowe made a motion to approve the 7 year vesting plan in the interest of the turbulent economy we are experiencing and the other sources. Commissioner McCown seconded; carried.

REQUEST FOR APPROVAL OF THE FINAL PLAN FOR THE RIVERVIEW RANCH SUBDIVISION. LOCATED: SOUTH OF SILT ON COUNTY ROAD 335 NEAR EAST DIVIDE CREEK. APPLICANT: BOB REGULSKI

Don DeFord, Bob Regulski, Stephen R. Wrujeck of Knight Planning Services and Tom Stuver were present.

Don reviewed the notification and returned receipts and determined by questioning the applicant that adequate and proper notification and posting were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Subdivisions Improvement Agreements of 1984 as amended; Exhibit E - Garfield County Comp Plan of 1984 (west end); Exhibit F - Letter from the South Side Conservation District; Exhibit G - Staff Report with Attachments; Exhibit H - Application; Exhibit I - Supplemental Information from Knight Planning; Exhibit J - Letter from Wright Waters confirming their application; Exhibit K - a copy of the ruling signed by the courts for water rights.

Chairman Martin admitted Exhibits A - K into the record.

Mark stated this is a request for review of a Preliminary Plan for a six (6) lot subdivision with twelve (12) dwelling units on thirty-nine (39) acres. The parcel lines near Silt between CR 335 and the Colorado River, just east of East Divide Creek.

Recommendations:

The Planning and Zoning Commission recommended APPROVAL of the Riverview Ranch Preliminary Plan application to the Board of County Commissioners, with the following conditions:

That all representations made by the applicant in the application, and at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Planning Commission.

The applicant shall conduct a noxious weed survey and submit a weed management plan to the Garfield County Vegetation Manager and obtain written approval of the plan from him prior to Board of County Commissioners approval of the final plat. The plan shall be incorporated into the covenants.

The recommendations of the Road and Bridge Department, including removal of an existing tree to improve sight distance, shall be followed.

The recommendations of Hepworth-Pawlak shall be followed. These recommendations include, but are not limited to:

least 25' shall be maintained from the infiltration within the building envelopes.	A. A foundation setback of at system. ISDS shall be located
	B. An under drain system shall be

provided to protect below-grade construction. C. Site specific studies shall be performed at individual lots to determine design level recommendation.

D. The grading plan for individual lot development shall be designed by a licensed civil engineer.

E. A site specific geotechnical study shall be performed on each lot and a copy of the study submitted with each building permit application. The building permit application must be consistent with the recommendations in the study.

Section 8 of the covenants shall be amended to include a statement that the ISDS for lots 1-5 must be engineered and designed by a Colorado registered professional engineer, with effluent screens of the discharge from the septic tank and a minimum setback of 25' from buildings.

The covenants shall be amended to reflect the accessory dwelling unit standards contained in section 5.03.21 of the Zoning Resolution.

Enartech's recommendation shall be followed. In-house water treatment including filtration, chlorinating, softening, and reverse-osmosis treatment shall be required and reflected in the covenants. Future water lines shall be sleeved and the utility plan will be revised accordingly for the final plat submission.

Prior to approval of the *final plat* by the Board of County Commissioners (at least 2 weeks prior), the applicant shall provide a letter from, the State Engineer's Office of "no material injury" *and* shall provide a copy of the final decree in Case No. 99CS176 to staff within the same time line. (Italics - corrected by Board in motion)

The applicant shall submit an approved CDPES permit, if it is required by newly adopted regulations, at the time of final plat application.

In addition to the plat notes currently shown on the preliminary plan, the recommended plat notes contained in the staff report (section VI P) shall be shown on the final plat. These include:

a) Pursuant to section 9:18 of the 1984 Garfield County Subdivision Regulations, no further divisions of land within the Subdivision will be allowed.

b) Radon gas may be present and should be tested for once building construction is completed.

c) Homeowners may wish to consider performing an Microscopic Particulate Analysis test when drilling their wells.

d) Individual sewage disposal systems (ISDS) serving lots 1, 2, 3, 4, and 5 shall be engineered by a civil engineer licensed in the State of Colorado. No ISDS shall be located outside the designated building envelope.

3) A grading and drainage plan for individual lot development shall be designated by a civil engineer licensed in the State of Colorado.

11. The covenants shall be amended to note:

a) That a site specific grading and drainage plan, designed by a Colorado registered professional engineer shall be required at the time of building permit application.

b) The water quality tests for the Lot 6 test well and recommendations for treatment by Enartech be included in the covenants.

c) The estimated worst case cost of the placement of a revetment along the Colorado River bank, if it becomes necessary to build the structure, to prevent any further erosion.

Discussion by the applicant included Condition No. 8 -- Prior to approved of the preliminary plan by the Board of County Commissioners (at least 2 weeks prior), the applicant shall provide a letter from, the State Engineer's Office of "no material injury" (**OR**) (**AND**) shall provide a copy of the final decree in Case No. 99CS176 to staff within the same time line.

Tom stated there is a decree by the State citing there will be no material injury. This is a technical problem. The State will be issuing this letter from the State Engineer.

Mark suggested Condition No. 8 should read "and" versus "or".

Chairman Martin questioned the portion of property under the River. He inquired if the building areas were large enough to build a home and an accessory dwelling, and meet the 2-acre minimum lot size.

Mark clarified that the property goes to the edge of the river, not into the river.

Commissioner McCown clarified that 1/5 of the meadow will belong to each of these particular parcels. Is there a drainage plan for the wastewater.

Bob stated that currently he has a loop but the road will be moved upward a little bit; there will be a wastewater ditch on one side and culvert under the road. Each property owner will have a certain share of the water.

Commissioner McCown asked then if each individual will get an equal share. He added that for those lots to qualify for the accessory dwelling these parcels are considered part of the lots.

Bob said all the building acreage are 2 acres. What they have done is jointed the ownerships through the Home Owners Association to manage these. It's an easement common to the Homeowner's Association.

Todd Collins - a neighbor of this property in hearing it was mentioned about a commons area; 2 units on each lot, continued on down the road; what if 10 years down the road the homeowners decide that they want to build future residences on this land.

Mark Bean stated under the present regulations there is no law to allow for the revisions of the subdivision already approved.

A motion was made by Commissioner Stowe to close the Public Hearing. Commissioner McCown seconded; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the preliminary plan for the River View Subdivision with the plat notes as specified by Mark during his presentation along with recommendations of the Planning and Zoning Commission, changing Condition No. 8 to read final plat instead of preliminary plat and exchanging the condition "or" to read "and"; carried.

PUBLIC MEETINGS

A. DETERMINE REFERRAL/NON-REFERRAL OF THE SKI SUNLIGHT PUBLIC GATHERING SPECIAL USE PERMIT APPLICATION

Jim Sears, Attorney Larry Green, Sunlight Ross Terry, Josh Behrman, general manager Salisbury Broadcasting, Mark Bean and Don DeFord.

Mark stated the Building & Planning reviewed the application that was presented to the Commissioner. In terms of County Regulations, Mark said he did not believe he has a complete application to refer to the Planning Commission or to set the public hearing. The principal reason being is the brief discussion included along with the memo Mark presented to the Board, that the commercial limited does not have the provisions for a public gathering of this sort. Plus the applicant has discussed the possibility of a camper/park situation which technically could be a part of the Special Use Application, but Mark doesn't have a complete application according to the regulation in section 50-02 of the Garfield County Zoning Resolution. Therefore, Mark recommended to that Board that he has an incomplete application.

Don DeFord added for clarification that under Section 9-03-03 to Mark asking if he forward this application to the Commissioners finding that it is compliance?

Mark answered no not at this point.

Don declared the record clear.

Larry Green stated this dilemma came to his attention last Friday when talking to Mark Bean. Mark was in communication with Tom Jankowski a few days before. Ross Terry the Mountain Operations Manager of Sunlight and some folks from the producing entity putting on the concert. Larry gave the history of the Ski Sunlight saying the ski area predates the zoning district. Some of the base area around the ski area was put in the commercial limited zone district and all the other property was put in the agricultural/rural/residential zone district. Some number of years thereafter the County decided to try and regulate public gatherings as defined in the code and they were made a Special Use within the A/R/R district but not made a Special Use within the Commercial Limited Zone District. A number of position flow from that: 1) the possibility that the Board did not intend to regulate public gatherings in the Commercial Limited Zone District only in the Agricultural Zone District and that assemblies of people as allowed by the Constitution were intended to be allowed in unregulated and other zone districts; 2) another argument and the best one for this particular situation is that this type of use is grandfathered into Sunlight's existing operations. You have a ski operation that been operated for 35 years approximately that if they had it their way, 180 days of the year there would be a public gathering up there as defined by this code. However, they fall short of that and have crowds in excess of 500 in a day - a handful of times during the winter operation. There has been a number of events over the course of the years that would qualify as a public gathering in sheer numbers and

nobody's ever said anything to Sunlight about that in the past. Therefore, he believes this use is grandfathered into the exiting ski area operation and does not require a permit

3) The code's definition has two elements to it - one is a numeric element where the amount of people involved exceeds 500 (this qualifies for that) but the second definition of that element is that the proposed use may reasonably be anticipated to interfere with the use and enjoyment of the property of landowners adjacent to the site's proposed activity - an element of impact on the contiguous properties. In this case, there is no adverse impact on the contiguous properties or at least the owners of those properties do not view it that way. The Brattleberg is making their units that are available for rent by the musicians and other support personnel for the festival, the Sunlight Inn has been fully rented; all adjacent property owners are enthusiastic about the event. Based upon that, they asked the Board to make a finding that this does not constitute a Public Gathering as regulated by the County Code or alternatively they find that it is grandfathered and allow it to go forward on one of those two bases.

Chairman Martin inquired on other events such as the Special Olympics and no permit was ever requested from then at all.

Mark stated he was not aware of those activities in terms of that type of issue.

Chairman Martin mentioned the BBQ's taken place in the summer time, have not been presented to the Board.

Mark stated that admittedly there were a lot of things that Building and Planning is not aware of, but when approached with the question.

Don clarified that this depends upon the number of people. If it is taking about 500 people, yes it would.

Most who expect 500 come in and ask for a special use permit.

Commissioner Stowe commented that some of the issues raised by the Sheriff's Office and Fire Department would be his concern. These do not appear adequately addressed at this time even if the Board did say that Sunlight has the right to have this gathering because they are a commercial entity and basically this is what they do. The safety and health concerns need to be addressed.

Ross Terry stated there was a meeting scheduled tomorrow with the MS Director, the Fire Department to address his concerns as far as sanitation and water, emergency access and things of this nature. The number of portable toilets, water stations need to be identified. Ross stated these items will be addressed in their operational plan included parking lot egress and emergency vehicle egress.

Commissioner Stowe inquired if there was not permit, how would the Board have any control over this.

Don mentioned this is what he wanted to discuss in executive session but could discuss it openly.

Don stated that he and Mark discussed this possibility and the short answer is that the Board has no legal authority if they don't have a special use permit. If it is a matter of right, they do have to come to the Board, nor to request anything. Don added that he would advise the Board not to become involved because one they did it would make them a participant with no regulation guiding the activity could result in liability for that involvement. So if Ski Sunlight believes they can do this as a matter of right, then if the Board proceeds to do that, then they should not seek permission from the Board outside of a public hearing process.

Chairman Martin suggested they follow with the Uniform Fire Code and also Safety with the Sheriff's Office - the law enforcement agency.

Commissioner McCown inquired if the Board needs to rule on the opinion if they are regulated or not.

Don responded no. Mark has given an opinion and if they disagree with that they need to go to the Board of Adjustment according to the Regulations.

Mark clarified the procedures in terms of the staff interpretations do require the Board of Adjustment to determine if Building and Planning is interpreting the regulations correct.

Chairman Martin said removing our opinion and direction by doing so and giving legal opinion has put us in that position.

Commissioner McCown inquired as to the process after the Board of Adjustment.

Chairman Martin mentioned the District Court.

Ross Terry stated they would still be under the Uniform Fire Code for public safety.

Chairman Martin added that the Sheriff's concerns have been noted and a meeting with them would resolve or they would say they don't approve of it.

Commissioner Stowe stated ultimately then Sunlight would bear all responsibility and liability.

Larry Green mentioned the time element. He was unsure where this would leave them - do they just go ahead and hold the event?

Don reiterated that this was the request before the Board. If Sunlight's position is to be regulated by the

County, under a special use permit, Mark's opinion would need to be challenged. If Sunlight's position is that they are not regulated at all, then Don's advise to the Board is not to become involved in an ad hoc regulatory proceeding where they really have no authority. So Sunlight's on its own.

Ross Terry indicated that during the winter they have had 2200 people up there under normal operations. They are anticipating 3,000 to 4,000 on a given day.

Under-sheriff Jim Sears said his concerns comes down to the public safety issue. Even though Sunlight may have had 2200, this is a planned event that the Sheriff has to gear up for. The Fire Department has to be available; State Patrol is concerned as well; Forest Service is also concerned from a law enforcement standpoint. Jim said he sees a difference between something of a ski area that maybe have 2200 people in one day and a planned event where you're planning on being there for 36 straight hours and having 4,000 or more people. This is where he feels the public liability standpoint becomes a concern. A lot of his concerns have not been addressed. Mr. Shuck, head of the safety & security for Bug Productions doesn't have a signed contract to date.

Josh Behrman - representing 13 stations in the State and organizer of the event, to address the signed contract, they do not sign a contract until they know there is an event. As far as the concerns that the Board or others might have, Josh stated he's willing to address each and everyone of those concerns and meet up to them. Security, clean-up, forest, transit has been negotiated to move 1000 people up and down the corridor every hour. Josh added that this is an event that could be very prosperous for the community from a revenue stream as well as the exposure throughout the State of Colorado.

Commissioner Stowe mentioned that among his concerns - fire is the big one.

Ross Terry stated that no campfires will be allowed. The maximum number camping would be 1,000 people within 200 - 400 tent sites. No Winnebago camping will be allowed. Carl Smith with EMS has been contacted about hiring EMT for paramedics on site at all times. There is a meeting with Carl tomorrow. The time constraint is the issue.

Commissioner Stowe inquired as to the authority of the Sheriff's department if they were to deem this is against public safety and welfare?

Don stated the Sheriff is able to enforce existing State Statutes and some of the County's regulations in terms of use of the road; the fire ban; animal control, etc.

Jim said his comments consisting of two pages is the parking along CR 117; he doesn't have 20 deputies to handle this. The rest of the County will need to taken care of as well. Jim mentioned he hasn't seen a plan yet so he can't make a decision on it - the plan that he does have in the application said 20 people are going to be there and encourage people to park down at the bottom of the hill.

Josh with CME stated they have a parking lot that holds 1200 plus cars. He said he had also hired a staff of people who will up and down that road making sure people are not parking on the roadside. A private tow company will be hired if cars do park on the roadside. Every issue in each memo he can address.

Additional security there is a 40 person volunteer group that will do security among the campgrounds and parking. They propose to have a checkpoint before guests arrive at Sunlight and only allow certain individuals with passes beyond. He has been involved in dozens of festivals throughout Colorado.

Jim Sears commented that this was a public road and it is illegal to stop people from driving up a public road whether there's a check point or not. The tow company - Jim said he wasn't sure under whose authority they would tow cars off of a public road - Jim added he hasn't seen the plan and therefore would refrain from anymore comments. A complete plan is what he needs to respond. He also voiced concerns with serving of alcohol.

Commissioner Stowe said he would proceed with the fact that this a use by right held by Sunlight since they have gatherings of this nature and it is really not an issue for public - needing a special use permit at this time until at some future date that the County may want to do that. We lose that authority and control of the Sheriff's department would have, but he encouraged the group requesting to work with the Sheriff Department because they make your life miserable up there through other means and things within their control.

Larry Green said this is all occurring on private land.

Ross said the land will be fenced off and there will be physical barriers with signage and security patrolling the area. The Forest Service did not have any problem as long as they do these reasonable precautions to keep people off Forest Land.

Chairman Martin said it looks like a consensus; to make sure they follow thing they can with the Sheriff's Office working in full cooperation and to satisfy every need of the Sheriff, emergency response and the fire department.

Commissioner McCown agreed with Commissioner Stowe and agree with the interpretation that commercial limited land is not intended to be controlled by this particular resolution.

Don DeFord clarified for the staff's position, the Commissioners response is applicable to all commercial limited property, not just Ski Sunlight. So this is not a grandfathered use under a non-conforming use - this is a use by right in all commercial limited.

Commissioner Stowe added as long as they have the physical capacity to handle crowds and accomodate under the Fire Code.

Mark added that these folks also need to comply with any Board of Health requirements.

Josh added that he has enough radio stations and enough power to broadcast notices to the public including traffic - addressing these issues live on the radio. He added he would constantly promoting the fact that these radio stations will be updating traffic, towing, security, liabilities of any kind and there will be three of these radio stations on premise broadcasting live. Their commitment is to continue taking care of every organization in all communities trying to accommodate every gathering that has ever taken place in this valley.

Executive Session - A ruling from Supreme Court on the Telluride Case - Land Use

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Property - County-Held Tax Lien

Georgia Chamberlain and Steve Rippy were present to give the report on a County-held tax lien piece of Property. Steve gave a preview and past history of this triangle piece of property saying this was a piece of property the County held due to delinquent taxes regarding Mary Wright in 1990. If it is assigned to her for \$1. she becomes the property owners and the county signs over the lien.

A shed and junk (also know as antiques) on the property.

Steve assured the Commissioners that the taxes would not be collected. Under the State Statutes, the Board of County Commissioners are allowed to assign the property to anyone for a price they determine; \$1.00 was suggested.

Georgia stated that a solution needs to be determined. She provided the Commissioners with an interested party - Linda Dowd, who wants to purchase the land. If it is assigned to her for i.e. \$1.00, then she becomes the property owners and the county signs over the lien.

Steve added that a shed and some antiques are on the property.

Georgia asked the Board's input as to whether or not Steve and she should proceed with this sale.

Board concurred that Georgia proceed.

BANKING AGREEMENT: TREASURER

Georgia Chamberlain submitted the banking agreement with two extensions with Alpine Bank. The monthly charge is \$450.00 and no charges for wire transfers,

The Bank has said all along that the agreement will be the same -- Alpine Bank. Charges \$450 per month. They do not charge for wire transfers, individual fees and overdraft charges. On-line banking transfers etc. Allow up to \$5 million in the bank. The rest is wire transferred to other banks in Denver.

Jim Bradford will be negotiating the Courts pick up with Alpine Bank.

Jesse, Don and Georgia all recommended to let this banking agreement continue the same until December and then decide. There are many changes in the finance department and to entertain the bid process at this time would increase work for the staff. Georgia stated the \$850 is a monthly service charge and there is a limit of \$5 million.

There was a consensus of the Commissioners to continue with Alpine Bank and then look at it in December.

Georgia indicated at present there is an average of \$3 million in Alpine Bank; all this depends upon the revenue.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Banking Agreement as presented by Georgia Chamberlain; carried.

ABATEMENTS OF TAX LIEN SALE:

Georgia presented and explained the reasons for the abatements; they are included in the Resolutions:

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign a Resolution concerned with abating tax sale 1993-000025 Schedule #247047/024 - Robert D. & Mary Ellen Craun; carried.

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale a resolution concerned with abating tax lien sale 1998-C00119 on Schedule #231096-023, Steven G. Shaddock.

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale a resolution concerned with abating tax lien sale 1993-000071 on Schedule #247057/024 - Lavin, Elvira M.; carried.

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale a resolution concerned with abating tax lien sale 1996-000038 on Schedule #480090/048, Robert E. Leborgne.

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale a resolution concerned with abating tax lien sale 1998-000113 on Schedule #M004809-036, Susan D. Jendro.

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale a resolution concerned with abating tax lien sale 1998-C00118 on Schedule #231075/023, Steven G. Shaddock.

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale a resolution concerned with abating tax lien sale 1993-000070 on Schedule #247057/024 - Lavin, Elvira M.; carried.

Commissioner Stowe moved to approve and Commissioner McCown seconded a resolution concerned with abating tax lien sale a resolution concerned with abating tax lien sale 1993-000026 on Schedule 247080/024 - Robert D. and Mary Ellen Crum; carried.

West Slope - Options - Colorado Health Networks, LLC and County Human Service Agency Service Agency Service Integration: Statement of Intent

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Statement of Intent as presented; carried.

DISCUSSION ON FIRE BAN

Guy Meyer and Don DeFord were present.

Guy gave the report on the weather report and fire danger alert.

Fuel Moisture from 7.13 and in consideration with the weather conditions, they are lining up to 1994 for 30 - 90 days. The Forest Service and BLM have imposed a fire ban. These are described as to permits.

Don highlighted the facts that Guy had presented. The Resolution designates the boundaries, outlines the activities, and those activities permitted under a permit. He added that the Ordinance is enforceable for 30 days, until July 5, 2000.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to issue a 30-day fire ban in Garfield County as stated in the Resolution; carried.

Housing Authority - Request to participate in the Employee County Health Plan.
Ed stated some have done this under the plan.

The issue is if the Housing Authority assumes the full payment and if the Plan will accept them into the plan.
Ed is to check and report finding to the Board before proceeding.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

JUNE 12, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 12, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

- a. ***Consideration: Montgomery Watson Americas, Inc. Contract***
Engineering and Environmental Services for West Garfield County Landfill

Tim Arnett presented the Professional Service Agreement with Montgomery Watson Americas, Inc. for \$49,143.00 explaining that this will Close Section 3 and Open Section 4.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown authorize the Chair to sign the Professional Contract with Montgomery Watson Americas for \$49,143.00; carried.

- b. ***Capital Asset Inventory - Contract***

Jesse Smith presented a proposal to do a comprehensive capital asset inventory, infrastructure study and appraisal for Garfield County. American Appraisal Firm out of Denver will complete this for \$22,250.00.

This proposal includes: 1) develop a property record system providing a fixed asset management system and 2) assist the County with GASB Statement 35 Compliance. \$20,000 is amount for the fixed assets to include: buildings, land improvements, playground equipment, road machinery and equipment, office furniture and equipment and infrastructure. Also to be included will be land, computer software, radios, library books, uniforms, musical instruments, sports equipment, records, diskettes, cassettes, films, framed art and licensed vehicles.

An optional service of tagging furniture, machinery and equipment valued at \$500 or higher at \$2,000; and \$250 for tags.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the expenditure of \$22,250 for the fixed assets inventory for Garfield County by the American Appraisal Associates; carried.

- c. ***Signature Authority - County Administrator - Fairgrounds Contracts***

Ed submitted a proposal suggesting he be in charge of signing the Fairgrounds Contracts instead of Toni Penton coming from Rifle to the Commissioner's meetings.

Discussion was held and the Commissioners concurred with the request as long as the contracts Ed approved were within the realm of all normal, reasonable activities.

Chairman Martin requested notification of what is on the events calendar in order to keep the Commissioners apprised of the activities.

Mildred reminded Ed Green that she would need a copy of each contract signed for her records.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize County Administrator Ed Green to sign the normal and reasonable activity contracts at the Fairgrounds; carried.

d. ***Placement of Gate Across CR 328 - Cattle Guard***

Perry Will of the Department of Wildlife requested to place a gate across CR 328 - Baldy Creek as they are experiencing a problem in controlling wildlife.

The Commissioners stated they would approve, as a temporary measure, to leave the wire gate, but would prefer a Cattle Guard and metal gate. Commissioner McCown stated that the County does the installation and maintenance of the cattle guard and the landowner (DOW) pays.

Perry indicated this would be in their next year's budget which begins July 1.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the placement of the cattle guard and to allow a temporary gate across CR 328 for the location intersected by the Department of Wildlife property for livestock containment; carried.

Contamination - Fuel Leakage - Rifle Road and Bridge Facility

Ed stated there is a great deal of product underneath the Road and Bridge facility in Rifle that was contaminated years ago by underground storage tanks that leaked fuel. There is a Consultant Contract for not more than \$3,000 already in place with D. Craig Heydenberk of Waste Engineering, Inc. in Glenwood; however, Ed directed this consultant to change his scope of work and include the development of a plan of action including the cost for cleanup within the \$3,000. Ed said he and Don DeFord notified the City of Rifle about the situation; the City of Rifle may be contributing to the problem with their city shops located across the street from the County Road and Bridge Shop.

Ed explained that the County's obligation with the State to develop a plan of action and continue monitoring that tank area was done up until 1996 when there was a dispute that existed between the County and the Contractor. Consequently, a letter was received from the State a couple of months ago calling this to the attention of the County saying if the issue of cleanup wasn't dealt with, they would be begin fining the County \$5,000 per day.

COUNTY ATTORNEY'S UPDATE

Permitting on the Detention Center with the City of Glenwood Springs

Don said today at 2:30 P.M. the County staff will meet with the City Council Mayor and some staff to discuss a few issues before the final permits are issued. Included in the meeting will be: Bob Johnson Architect, Joe Howe -Hazelton Construction, Commissioner Stowe, Janice Loucks, Randy Withee, Ed and Don.

EXECUTIVE SESSION - OIL AND GAS LITIGATION

Don DeFord requested an Executive Session to discuss Litigation regarding Oil and Gas.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

Ed Green was asked to remain.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT

CIS Summer Conference this week in Steamboat - Commissioners McCown and Martin will attend; and Tom Russell from Road and Bridge.

Chairman Martin mentioned the Strawberry Days Official Dunk Tank to be held on Saturday, June 17 just after the Parade; the Rodeo Events are scheduled for Friday and Saturday of this week.

June 20 - Telecom - Bill Gates, Governor Owens - 2:00 P.M. Staff should be present.

June 22 - Rural Resort Meeting

United Way Garage Sale - June 24 - Henry Building

RTA - June 21 - Carbondale

Joint Meeting - City/County - July 13 - workshop 7 - 9 P.M. at the Courthouse
July 15 - New Castle Burning Mountain Days
Saturday, June 10 - at CMC the Animal Shelter held their Grand Opening
Negotiations for space in the Valley View Hospital Complex are ongoing for Healthy Beginnings between Mary Meisner and Gary Brewer - Meeting has been changed to June 21.
June 21, the I-70 Transportation Corridor study group will be meeting.
C-DOT in Silverthorne June 30 for Monorail discussion.

Kiss A Pig Proclamation for Youthzone (formerly known as Garfield Youth Services) **July 25, 2000.**
Mildred submitted a request from former County Commissioner Marian Smith from Youthzone.

"Whereas, Youthzone, formerly Garfield Youth Services, has proven an essential organization to the development of young lives throughout the agency's 24 years of service to Garfield County.

Whereas, the annual Kiss - Pig fund-raiser helps support the various youth programs at Youthzone,

And, Whereas, the symbol of the pig appears in library history from *This Little Piggy Went to Market*, to the *Three Little Pigs*, to *Babe*, to *Animal Farm*.

Therefore, we resolve that countywide, July 26, 2000 be proclaimed "Kiss-A-Pig Day". On this day, the Garfield County Commissioners encourage the people of Garfield County to empty their piggy banks in support of Youthzone and youth programming in the Roaring Fork Valley."

Commissioner McCown made a motion and Commissioner Stowe seconded to proclaim July 26, 2000 be proclaimed "Kiss a Pig Day." Motion carried.

Letter of Congratulations to the Fair Queen and Fair Princess

Chairman Martin requested letters of congratulations be sent to Audra Dobbs the Garco Fair and Rodeo Queen and Ayla Dobbs as the Princess.

Commissioner McCown made a motion to sent a letter to Andra Dobbs and her sister Ayla Dobbs for Princess addressing the fact that the Commissioners are proud of them for stepping up to meet this challenge. Commissioner Stowe seconded; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Airport Issues

Ken Maenpa and Carolyn Dalghren

a. *Discussion/Signing FAA Grant Offers for Taxiway Construction & Airport Master Plan Update*

Ken presented the FAA Grant Agreement for *Taxiway Extention and Update Airport Layout Plan*. The total grant is for \$102,618 to update the ***Airport Layout Plan*** and takes into account some administrative costs that may be associated with the Plan. That's why it is above the 90%. The total cost of the Project is - \$111,000. Ken requested the Chair be authorized to sign the Grant. He said it was in the mail. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the grant; carried.

The second grant is the ***Partial Parallel Taxiway Extension*** - Ken explained that the project has already gone out to bid. There is to date no final cost for the project taking into account the latest elements in the bid items. The government is paying 90% of the project; as it turns out we are over budget. Therefore, Ken said they were looking at a reduction in the cost for the project. A \$230,000 cut is anticipated which will bring it to budget just over \$2 million. The tentative grant offer is for \$1,080,000. Pending the contractor review of the drawings and some of the changes we should get a formal grant offer by the end of the week. Construction is anticipated to begin by the first week of July.
There is additional help from the State Grant as well - \$60,000.

Commissioner McCown stated he had received some calls from citizens due to the Vail/Eagle Airport being closed and large planes are coming here; therefore he wondered if Kenny could ask the pilots as they leave to bank further west of Rifle as opposed to climbing over the town itself.

Ken stated they can start an informational campaign when the pilots get their flight briefings then Ken can put together some aerial photos and request pilots to avoid the residential areas - the Town of Rifle.

Commissioner McCown said he would like this applying to the smaller twin prop jobs as well.

Commissioner McCown moved to approve the Chair to sign the grant of \$1,080,000 as long as Assistant County Attorney Carolyn Dalghren approves; carried.

b. Discussion/Signing Amendments to Isbill Associates Basic Contract for Professional Services - Amendment No.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the actual project not to exceed \$111,020. grant; carried.

Public Utilities Commission - Toll Free Calls

Commissioner McCown said he would like the Chair authorized to sign a letter addressed to the Public Utilities Commission which would begin the process for inter-county phone service that would allow residents in the Parachute/Battlement Mesa area to call Glenwood Springs toll free. The Public Utilities Commission has indicated there are funds available. A letter will be drafted indicating that the Commissioners would like to see this move forward as a service to the residents in the Western end of the County that would allow them a toll-free call to the County Seat.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize Operations Director Dale Hancock to draft a letter to the Public Utilities Commission indicating that the County would like to see an extension of local calling areas between Carbondale and Parachute; carried.

PUBLIC HEARING: LIQUOR LICENSE HEARING - SPECIAL EVENTS GARFIELD COUNTY REPUBLICAN PARTY

Mildred Alsdorf swore in the speaker.

Jim Larson, Secretary and Treasurer was present.

Mildred questioned the applicant regarding the sign being posted.

Jim Larson noted the Liquor Sign was posted as required.

Mildred stated the noticed public hearing was published.

Jim commented that this is a Republican Roundup that is open to the public. Wine and beer will be available and there will be food catered. Jim stated that the insurance is in place; and any alcohol will be in an enclosed building. This is the second year for the family event. Tickets are available.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Events Liquor License for the Garfield County Republican Party for June 24, 2000 at the Crystal Springs Ranch; carried.

Aspen Glen - Modification of Premises - New Manager

Mildred Alsdorf said that Aspen Glen is doing a modification of the building by putting in a private dining room. There will also be new manager versus Mike Stone.

Mildred said that according to the liquor laws, the Board can hold a hearing but is not mandated to do so.

The new manager will be brought before the Board.

The Board agreed not to have a new hearing because of the modifications.

Mildred will bring it back to the Board for signature.

CONSENT AGENDA

a. Approve Bills

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the bills as presented.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

JUNE 14, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

WORKSHOP - AIRPORT FAIRGROUND ARENA - UPDATE ON THE SPECIAL USE PERMIT - JAIL

The workshop with the Board of County Commissioners and County Engineers began at 9:00 A.M. on Wednesday, June 14, 2000 with Commissioner Walt Stowe, County Administrator Ed Green; Don DeFord, Randy Withee and Clerk & Recorder Mildred Alsdorf. Tom Russell and Commissioner Chairman John Martin were contacted by telephone.

Agenda Topics Included:

Airport Capacity - Fire Station

Fairground Riding Arena

Special Use Permit - Jail

ADA standards - Restroom

Building Permit without SUP

Discussion only - no decisions or motions were made.

Attest:

Chairman of the Board

JUNE 19, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 19, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Mark Bean - presented the following:

Parking Discussion

Suggested HOV parking spots (in little parking lot) be reduced to ten (10) from fifteen (15) spaces. Some of those dedicated spots are not being utilized. The reasons were identified as: employees working different shifts, people parking on street instead of in lot - use of parking tags is for down in the railroad parking lot - Mark will monitor.

Wide Area Phone Plan

Working on calling distances within the County - spoke with Terry Bote from PUC - necessary paperwork for Wide Area Plan extended to the rest of Garfield County - next step is to come to BOCC - continue to push for using Glenwood dial tone down in Parachute - US West rep Bonnie Pal Peterson indicated there is money left over from Class Action Suite which could pay for this.

Chairman Martin - Rio Blanco and Moffat Counties went through the same process and have it in place.

"Adopt-A-County Road" Review

A team of Ed Green, Tom Russell and Don DeFord completed research on an "Adopt-A-County Road" for Garfield County.

Don - in reference to insurance issue, Larimer County has best program - liability perspective - participants have volunteer status with County - under Governmental Immunity Act volunteers are treated the same as a government employee, although they specifically are not - Larimer County requires each participant to sign a form recognizing that they are a true volunteer for the program - County is taking on some additional risk - Board was presented a review packet.

Commissioners - expressed concern that R&B wouldn't have time to pick up bags of trash.

Ed - R&B is two weeks behind with summer schedule - will check with Tom Russell.

Congratulatory letter

Ed - Congratulatory letter to Audra Dobbs for BOCC to sign.

Lease Agreement for Social Services to use Taughenbaugh Building

Ed - needs to be executed - provides for payment to the County of \$4,682.19 from Social Services.

Larry - made a motion the BOCC approve the lease with Social Services for their appropriate space in the Taughenbaugh Building; Walt seconded; motion carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord presented the following:

Asked for Executive Session on: Archuleta litigation; Oil & Gas litigation; County procedures re:conducting meetings as they relate to Attorney/Client privilege - new info; Defore litigation

Affordable Housing

Don - presentation at County Attorneys' Meeting - not very enlightening - most county attorneys struggling with extent of the Supreme Court Ruling - Telluride case - may affect all of the regulations we have in place right now - would like to set on BOCC agenda.

Status of the Open Space Special Service District

Don - received a Service Plan a week ago - wasn't presented within required ten day time period - filed in Eagle County - one issue will be whether the County will bear the cost of election if it is required - does BOCC want this referred to Blake Jordan - will need to be set on Planning Commission schedule early - July meeting.

Larry - wants Blake Jordan to review - should proposer be contacted to see if they will pay that?

Don - yes - will be \$500-\$1,000

Larry - made a motion the BOCC go into Executive Session to discuss litigation regarding Archuleta, Oil & Gas, Attorney/Client privileges at meetings, and Defore case; Walt seconded; motion carried.

Larry - moved the BOCC come out of Executive Session; Walt seconded; motion carried.

COMMISSIONER REPORT

John-

June 22, Thurs., 9:00 a.m.-Noon, Rural Resort (Leadville)

Larry-

June 21, Wed., 10:00 a.m. Rifle City Hall Utah DOT re: railroad, Vernal to Rifle

June 21, Wed., 1:30 p.m. Communications

Walt-

June 21, Wed., 9:00 a.m., RTA meeting.

June 22 (leaving for two weeks)

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Open Space Group

Mark Bean - one cannot officially refer to the Planning Commission because it requires that the Service Plan be filed with the Clerk & Recorder at least ten (10) days in advance of one of the BOCC regular meetings - the Plan officially filed as of Friday - begin counting the ten days the day after the filing - right now, timing-wise, officially refer Service Plan on July 10, 2000 - procedurally the statutes state, if it's the policy of the County the Service Plan is referred to the Planning Commission for their review and comment - has been our policy to refer Service Plans to the Planning Commission - timing-wise, need to get this to the Planning Commission on July 12, 2000.

Chairman Martin - BOCC having a special meeting on July 27 - one item on that agenda - could the referral be made on the 27th?

Mark - the referral is procedural - obligated with Don's assistance to put together staff comments on plan prior to the 12th - packets will go out to Planning Commission on previous week.

Don - thought that was a good idea - by statute the plan has to go to the Planning Commission meeting that is currently set for the 12th.

Don - normal practice it to have Blake Jordan review the proposal from a financial perspective to make sure that the Service Plan properly addresses revenue generation and bonding issues - believed this should be referred to Blake as well - if we're going to the 12th, we can't wait until the 10th to refer it to him - cost of having that done is normally assessed against the proposer.

Walt - risk is that if we refer to Blake Jordan and proposal is withdrawn, we pay fee - with timeline constraints, we should refer it Blake Jordan.

Walt - made a motion to that affect; Larry seconded; motion carried.

Don - one of us probably needs to inform Bob Schultz of the potential payment of costs to Blake Jordan - \$500-\$1,000 to review.

SCHEDULING

Don - need to confirm dates for Board of Equalization - setting it for July 25-26

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR APPROVAL OF AN 8 LOT SUBDIVISION: POWERLINE PROFESSIONAL PARK SUBDIVISION. LOCATED S11, T6S, R93W, APPROXIMATELY 1/4 MILE EAST OF RIFLE ON HIGHWAY 6 & 24. APPLICANT: WESTERN SLOPE DEVELOPMENT COMPANY

Don DeFord, Jeff Laurien, John Barbee, Mike Smith (CDOT) and Bob Klein were present.

Don reviewed the noticing requirements with the applicant. Noticing and publication were in order and

Don advised the Commissioners they were entitled to continue.

Chairman Martin swore in the speakers.

Jeff Laurien - presented the following Exhibits:

Exhibit A - Green and white Certified Mail Receipts

Exhibit B - Proof of Publication

Exhibit C - Application submittal

Exhibit D - Comprehensive Plan of 1984

Exhibit E - Garfield County Zoning Resolution of 1978, as Amended

Exhibit F - Garfield County Subdivision Regulations of 1984, as Amended

Exhibit G - Staff Report with attachments

Chairman Martin - Exhibits A-G admitted.

Jeff - This is a request for review of a Preliminary Plan of the Powerline Professional Park Subdivision located 1/4 mile east of Rifle on Highway 6 & 24 directly east of the Cottonwood Springs Mobile Home Park - applicant is proposing to subdivide the tract into a total of 8 commercial lots on the 29.510 acre parcel - water is to be supplied by three wells through a well-sharing agreement - sewage disposal is to be through a central system (Cottonwood Springs Mobile Home Park).

Jeff - submitted Access Permit used word "warehousing" - applicant restricted to 60,000 square feet of warehousing on first 3 lots, Phase I - staff interpreted "warehousing" as being a land use definition and as such are restricting applicant to certain warehouse uses - clarified some issues with Mike Smith of CDOT re: "warehousing" - CDOT will amend their permit to remove word "warehousing" and restrict the applicant to a certain number of ADTs.

Mike Smith, Region 3 Access Manager for CDOT - reviewed access from Powerline property to State Highway 6 - CDOT does not restrict/approve land usage issues - wording on permit that refers to "warehousing" is for an internal cataloguing system which allows CDOT the ability to identify general, broad base uses of the property - helps identify characteristics and volumes of traffic - ten years from now

if warehousing changes to retailing, CDOT can take another look at traffic characteristics - "warehousing" causes grief outside of the department - CDOT moving to more specific identification of traffic movements based on ADTs (Average Daily Traffic Volumes) or move to design peak hour volumes - better identifies what is actually using the property - wrote an initial letter with comments which indicated: full generalization, left turn, right turn, acceleration lanes, deceleration lanes, and a signal - basing it on full build-out of what was allowable on property - subsequent discussions, State Access Codes allow for phasing of a permit - Phasing Plan stamped by an engineer indicating what the volumes will be - received - reviewing it right now - will suggest changes/clarification to study - will require applicant to go forward with phasing based on an annual traffic study that addressed current usage, anticipated future usage until next traffic study - studies will be yearly until full build-out.

Jeff - approval of this application will require applicant to have a current Access Permit and be in compliance with any conditions of any Access Permit for every phase of project.

Note: Planning Commission Recommendation (Staff Report pg.20):

At the regular public hearing of the Planning Commission on April 12, 2000, the Planning Commission made a motion to approve the application with the following staff recommendations for denial to be conditions of approval:

Section 4:91 (A) of the Subdivision Regulations has not been complied with.

Section 4:60 (C) of the Subdivision Regulations has not been complied with.

Section 4:92 (C) of the Subdivision Regulations has not been complied with.

Section 4:91 (B) of the Subdivision Regulations has not been complied with.

Section 1:21 of the Subdivision Regulations has not been complied with.

Section 9:51 of the Subdivision Regulations has not been complied with.

The resulting vote was a 2 to 2 tie.

Staff Recommendation

Staff recommends **DENIAL** of the proposed subdivision of land based on the following:

Section 4:60 (A) of the Subdivision Regulations, which requires proposed terms of reservations for common facilities be delineated, has not been complied with.

Section 4:92 (C) of the Subdivision Regulations, which requires financing of the sewage system to be described, has not been complied with.

Section 4:91 (B) of the Subdivision Regulations, which requires financing of the water system, and the legal entity which will own and operate the system to be described, has not been complied with.

Section 1:21 of the Subdivision Regulations, which addresses health, safety and welfare of inhabitants of Garfield County, has not been complied with.

Section 9:51 of the Subdivision Regulations, which addresses fire protection, has not been complied with.

Section 4:50 (O) of the Subdivision Regulations, which addresses the delineation of existing easements, has not been complied with.

Section 9:21 of the Subdivision Regulations, which addresses appropriate lot sizes and shape, has not been complied with.

Section 4:33 (G) of the Subdivision Regulations, which addresses conformity with applicable local, state, and federal regulations, has not been complied with.

Section 4:60 (B) of the Subdivision Regulations, which requires a description of any phasing plan, has not been complied with.

Staff would like to note, that although the applicant does not comply with the above detailed sections of the Subdivision Regulations, many, if not all of these regulations/reasons for recommending denial may be able to be adequately addressed at the Board of County Commissioner's hearing of June 19,2000. At this time, the applicant is not in compliance with the above noted regulations simply because certain relevant, substantive information has not been submitted by the applicant. However, much, if not all, of the relevant information may be available from the applicant at the hearing. If this information can be presented at the hearing by the applicant, or the above noted regulations can be adequately addressed by the applicant at the

hearing, the staff would then recommend approval with the conditions of approval which have been outlined within the staff report as being required with any approval.

Jeff - Additional Exhibits

Exhibit H - Powerline Park Phasing Plan

Exhibit I - Letter from Caloia & Houpt

Chairman Martin - Exhibits H-I added to record.

John Barbee - Phasing Plan addresses BOCC concerns:

Phase I: (all of the infrastructure, engineer's estimate \$75,000 for improvements)

Sewer - install the entire sewer system - business owners association long-term care of sewer system

Water - entire water system for all 3 wells (well sharing agreements for each well), taps, installation of two hydrants, draft pumps - Phase I, Lots 1, 2 & 8 will have well sharing agreement - all wells augmented with West Divide contracts.

Fire - all of the engineering for the pond and for the fire system - covenants for business owners association assigns them with maintenance and long-term care of fire system and pond

Road - access road will be paved all the way to north end of lot 8, during Phase I.

Phase II - road improvements, within one year, build-out on front two lots - work with CDOT; Lots 2, 3 & 7 will have another well.

Phase III - road improvements as necessary - will use existing well on property.

Jeff Houpt, attorney with Caloia & Houpt - prepared the Covenants, Conditions and Restrictions for the development, submitted this morning - concept is to form an unincorporated, nonprofit, business owners' association - would operate like a homeowners' association - have the authority to assess and collect assessments for common expenses within the subdivision - would include the following systems: fire protection, sewage, water, access road, and landscaping.

Don - fire protection supply is included for Lots 6 & 7, if that's Phase III, how will fire protection water be supplied for the first two phases.

Jeff Houpt - all 3 wells will be drilled and operational - used to fill a fire protection pond and keep it full - one well is already done.

Don - the well for Phase III is already completed? - yes - the business owners' association will obtain rights in that well as part of Phase I.

Walt - will pond be put in as part of Phase I? - yes.

Don - asked John Barbee if dates in Exhibit H for Phase I, II & III are commencement dates for each phase?

John B. - commence July 15th of next year or sooner if necessary road improvements are made.

Don - you would commit to commence Phases I, II & III no later than the dates set forth on the Phasing Plan? - yes.

Jeff Laurien - Title insurance commitment had conditions/information that was not addressed.

John Barbee - the property is actually three parcels - northern piece - title commitment had entire property in it - included in the application is a property description that is not on the title - what's described on there Resolution 81-198 was an exemption - ditch company's easement is on the northern piece of the property, not on the southern - ingress and egress that goes with it is not included.

Jeff Laurien - No. 2 discussed financing of the sewage system - last page of Exhibit H states estimate for all infrastructure improvements required for subdivision=\$75,000 - asked Mr. DeFord if that was a reasonable amount - and do we need a description of what the infrastructure refers to?

Don - asked if the \$75,000 was for all phases? - all - at the time of the first Final Plat will applicant submit a letter of credit or cash.

Mr. Klein - has the funds available.

John Barbee - will submit Final Plat and as-builts at the same time.

Jeff Laurien - No. 3, the legal entity which will own and operate the water system will be the business owners' association?

John Barbee - yes - BOA responsible for long-term maintenance of wells - also, staff report alludes to installing an RO unit at each well and then serving all the lots from that RO unit - problematic - individual RO units in each building or on each lot maintained by the property owner and enforced for maintenance by the BOA is a cleaner way to do it, asked that if it becomes a condition of approval that it be clarified that there would be individual units in each building.

Jeff Laurien - sounds reasonable to staff as a condition - also, No. 4-5 dealing with fire issue, seems applicant has spoken to that - No. 6, letter from Tri-State says easements are O.K.

John Barbee - Tri-State will come back with an amendment to license agreement.

Jeff Laurien - No. 7 has been addressed - asked John Barbee if he has watershed permits - asked Don DeFord to comment.

John B. - has an application in - had to resubmit application to City of Rifle.

Don - only difficulty with watershed permit would be if City of Rifle has a condition of approval that would conflict with something the BOCC would require - at a minimum this needs to be a condition on the Final Plat and that they comply with all conditions - if there's a conflict, it would have to go back to the Board.

Jeff Laurien - No. 9, description of phasing plan - was turned in this morning - seems to address the issues.

Larry - asked about noxious weeds on property.

Jeff Laurien - no noxious weeds on property - weeds on property should be identified and report to Garfield County Weed Management - treatment plan if necessary

John Barbee - talked to Steve Anthony - found a weed person to long-term maintenance - plan will be submitted.

Walt - motioned to close the Public Hearing; Larry seconded; carried.

Larry - motioned to approved the Preliminary Plan for the Powerline Professional Park with the conditions as discussed today, #1 through #9 on Staff's recommendation, that have been addressed, all statements of the Applicant and those items highlighted in the staff packet as conditions of approval; Walt seconded; motion carried.

REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT FOR A KENNEL. LOCATED: 1565 COUNTY ROAD 125, GLENWOOD SPRINGS. APPLICANT: WILLIAM PINKHAM

Don DeFord, Jeff Laurien, John Lassalette, and William Pinkham were present.

Don reviewed the noticing and publication requirements with the applicant. Some items of noticing were a bit irregular, and Mr. DeFord asked the Board to decide whether they thought notice was adequate or not.

Commissioners - said notice was adequate.

Chairman Martin swore in the speakers.

Jeff Laurien - presented the following Exhibits:

Exhibit A - Green and white Certified Mail Receipts

Exhibit B - Proof of Publication and other noticing materials as submitted by Applicant

Exhibit C - Application Submittal

Exhibit D - Garfield County Zoning Resolution of 1978, as Amended

Exhibit E - Comprehensive Plan of 1995 for Study Area One

Exhibit F - Staff Report with attachments

Chairman Martin - entered Exhibits A-F into the record.

Jeff - staff report - this is a request for review of Special Use Permit to allow a kennel operation - applicant William Pinkham - location is approximately five miles southeast of Glenwood Springs off of CR 125 - dog kennel on-site to house, raise and breed husky dogs for personal dog sledding and racing and a future tour business to be run off-site - 5 employees envisioned at peak of tour business - 1 employee will reside on-site to help with dogs - additional employee and 3 guides hired to help with tour business, not to reside on-site - hours of operation 8a.m.-5p.m., Sunday through Saturday - seven days a week - dogs housed in steel building overnight, but no operations conducted except from 8a.m.-5p.m. - night training and camping-out have been proposed in application - if this occurs, must be off-site - any traveling to and from property must occur between 8a.m.-5p.m. - applicant proposing maximum of 40 dogs at any one time on premises once breeding is begun.

Recommendation:

Staff recommends **DENIAL** of the applied for Special Use Permit for a kennel based on the following:

The application is not in conformance with Sections 5.03 (1) (utilities - water and sewer - issue), 5.03 (3) (impact on adjacent property issue), 5.03.15 (1) (noise issue), 5.03.15 (2) (noise and filth issue), and 5.03.15 (3) (sewer issue) of Garfield County Zoning Resolution of 1978 as amended.

John Lassalette, attorney with Austin, Peirce & Smith, appearing on behalf of William Pinkham - 3 categories of issues to be resolved:

#1 Utilities (water): application submitted to West Divide Water Conservancy District - Janet Maddock, Administrative Assistant at the District, has confirmed receipt of application and map - District does not meet for at least another week to make a determination whether current well may receive a commercial permit to allow for this type of operation

#2 Sewage: Roger Neil (High Country Engineering) consulted - document submitted to Mark Bean with Planning - addresses need for additional sewage disposal and 1994 Colorado Dept. of Health Regulations - what would be necessary to obtain compliance with those health regulations - Mr. Neil has attempted to meet with and exceed the requirements by proposing a complete new septic application based upon the maximum of 40 dog occupancy with a sewage demand of 30 gallons per day per dog - design flow requirement of 1,800 gallons per day in capacity of that sewage disposal.

#3 Noise: Mr. Neil also addressed the matter of noise within the steel structure - researched applying wood fiber acoustical product within the steel structure to prevent noise emanating beyond property - documentation provided by Mr. Neil and will be included with his letter

Concern regarding Comprehensive Plan needs to be addressed: adjoining properties consist of horse properties, some open space, and some single family dwellings - Mr. Pinkham believes if he can meet necessary requirements dogs housed in this barn-like structure would maintain the rural nature of the area and be compatible with current adjacent land uses - only housing and care of the dogs would occur on forty acres - training would be off-site, any type of tours would be off-site

Mr. Pinkham is also willing to pursue the screen fences and landscape materials

Mr. Lassalette - asked to submit additional exhibits:

Exhibit G - Letter of engineer, Mr. Neil, accompanying information with regard to the soundproofing materials he has explored.

Exhibit H - Application to the West Divide Water Conservancy District.

Exhibit I - Letter confirming receipt by Janet Maddox of the application, contract and the map.

John Lassalette - requested a continuance so staff could review materials and provide additional comment - would also allow Mr. Pinkham to take additional measures if needed.

William Pinkham - wanted to convey that the dog sledding is a passion - plans to race in the Iditarod - plans to do the Yukon Quest.

Chairman Martin - another issue is submittals that are in the packet - the access - needs to be addressed - is limited to a single family dwelling - if we change it to commercial, access may need to be changed - was deeded back in 1994.

Larry - wasn't it written in non-exclusive?

Chairman Martin - yes - other properties are going to have to look at access coming through since there's only access for one to the original house - asked staff and Commissioners if they had an objection to a continuance - no.

Larry - need a date certain - would July 17th be adequate time to get the info on the ISDS, the water, etc. - asked Jeff, on screening, fencing and landscaping, will this go around entire building? - if noise is handled acoustically from the inside, is landscaping still needed?

Jeff - need for some landscaping to try and make it blend into the area - qualitative issue.

William Pinkham - willing to do more landscaping to comply - closest neighbor's house is about a mile to the northwest.

Gary Aho - lives at 1588 Odin Drive, Silt - going to be applying for a kennel permit soon - one thing that came out in code is, totally enclosed structure with no outside runs.

Jeff - that is correct for A/R/RD zoning - commercial zoning does allow for outdoor runs.

Gary - asked Mr. Pinkham if he was planning outside runs.

Pinkham - initially talked about it - sled dogs need to be exercised - talked about 2 acre parcel completely enclosed where dogs and young pups could be outside and play, particularly in the summer, during regular hours - in the best interest of the animals, would like outdoor runs.

Jeff - initially application did apply for two acre outdoor run - understood that now applicant is NOT applying for outdoor run - will be fully enclosed - yes.

Gary - because looking for outdoor run during daytime hours when house is occupied - don't believe dogs should be left to bark all night long - enclosed during the evening hours - for health and safety of dogs and the Humane Society, would rule outside exercise room needed.

Chairman Martin - at this time have ordinance in place - have to follow it until it is changed.

John L. - that's why Mr. Pinkham is looking at three vehicle trips per day - housing and care can be addressed through this building - exercise and training will have to be addressed elsewhere - also has an

application to BLM to allow for that type of access on BLM lands to be able to provide that for the dogs off-site.

Gary - does an outside soundproof fencing qualify?

Chairman Martin - not at this time - not the way it's written.

Jeff - told applicant he would need commercial well permit from the Division of Water Resources.

Walt - moved to continue until July 17, 2000 at 2:00 p.m. the meeting on the kennel operation for William Pinkham; Larry seconded; carried.

ABATEMENT: DAVID C. RAPPE

Shannon Hurst, Deputy Assessor - on the David Rappe parcel, at the end of the year Assessor's office transferred the whole parcel - should have been a split - really there's no money changing hands - abating what he paid and putting on two other parcels as omitted - they cancel each other out - this is how we have to do to correct the tax roll.

Larry - moved to close public hearing; Walt seconded; carried.

Larry - moved to approve the David Rappe abatement; Walt seconded; carried.

Note: Mark Bean presented a memo to the Board of County Commissioners dated June 19, 2000 in reference to the Rural Lands Development Option.

At the May 26th Work Session with the Planning Commission and Ag/Cluster Task Force, it was determined that the next step in the process was to initiate the process to amend the Subdivision Regulations to create the proposed Rural Lands Development Option process.

The proposed written regulation discussed at the meeting did not have the second option for a "fast track" process for the land owner that only wants to use their 35 acre rights, to create up to a maximum of nine (9) lots. This process will be included in the option presented to the Planning Commission for consideration.

Recommendation: The Board of County Commissioners refer the proposed Rural Lands Development Option, along with language for the "fast track," nine (9) lot process to the Planning Commission for a review and a recommendation to the Board.

Mark also submitted Draft #3 (2 May 2000) of the Garfield County Rural Lands Development Option

"The Garfield County comprehensive planning process in 1991 revealed that the County residents' value and wish to conserve the rural and open space characteristics of the region. As a result, the Lower Roaring Fork Open Lands Heritage Program was created to identify open lands and to develop methods of conserving those lands. As part of its recommendations to protect rural lands, the Open Lands Heritage Program suggested the creation of a new rural land use process through which landowners could, cluster or group together, development on a small portion of their property while conserving open space and agricultural land on the remaining portion of the property.

Currently, Colorado State Law, CRS 30-28-101, allows landowners to create parcels 35 acres or larger without county land use review. This process allows in the carving up of large parcels of open space and agricultural land into 35-acre homesites, resulting in the loss of open space and agricultural land.

However, under Colorado State Law, CRS 30-28-401, counties may enact a rural land use process that encourages the clustering of residential dwellings and the preservation of the remaining open land, subject to the limitations and requirements of CRS 30-28-401. The Rural Lands Development Option proposed below would implement CRS 30-28-401."

In response to this, a citizen's task force was created which adopted a mission statement, goals, definitions, applicability and development criteria, development restriction area, qualification, number of lots allowed, pre-application conference, process and submittal requirements, design guidelines, procedure, and period to complete plat.

CONSENT AGENDA

- a. Approve Bills
- b. Refer Proposed Rural Lands Development Option to Planning Commission for Review and Recommendation.
- c. Approve Resolution Creating Section 3.13 Public/Airport Zone District (P/A) in the Garfield County Zoning Resolution of 1978, as Amended.
- d. Approve Resolution Amending Section 8:10 of the Garfield County Subdivision Regulations of 1984, as Amended.
- e. Liquor License Renewal: Kum & Go, LLC. Battlement.
- f. Liquor License Renewal: New Castle KOA
- g. Sign Resolution: Medina Conditional Use Permit for Home Permit.
- h. Sign Resolution: Smith Special Use Permit for an Accessory Dwelling Unit.

Larry - moved to approve the Consent Agenda Items a-h as written; Walt seconded; motion carried.

SPECIAL ITEM

Sheriff Tom Dalessandri - two computer systems in the jail; network system installed by Dennis Niblack ten years ago (which has been crashing) and Evercom, inmates' record management system called "Lems," which has never worked properly in spite of Evercom's efforts - Sheriff's Dept. has studied total replacement of network with a new integrated system from law enforcement systems providers - found CCSS law enforcement data systems provider out of the front range - for the last two years Dept. has had \$20,000 to increase and upgrade system and to buy a new network - \$20,000 has not been enough to buy a system, so money has been rolled over.

Sheriff's Dept. has been nursing this along in anticipation of two things:

#1-in negotiations with Evercom, they promised if Dept. signed on for new contract in October for inmate phones, as part of that, they would contribute \$50,000 towards a total replacement of their LEM system or whatever system Dept. chose;

#2-waiting for the supplemental (\$20,000) to get back in which would make a total of \$70,000 which is what the CCSS system costs

It will take two to three weeks to design and install - lost 32 records in civil this week - fix one thing and it caves in somewhere else - CCSS thinks they can have it designed and up and running in two to three weeks - Terry Wilson has also looked at it - could be a tie in with his agency as well - CCSS willing to work with Dept. as far as payment - can pay some in 2000 and balance in 2001.

Larry - motioned that the Sheriff be authorized to enter into an agreement with CCSS for his computer system and software and the provision payment would be the \$20,000 that was rolled over in this year's budget and the \$50,000 generated from the prisoner phone service contract with Evercom that will occur in October 2000; Walt seconded; motion carried.

REGULAR AGENDA

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.

BOARD OF HEALTH

Mary Meisner, Kate Lujan, Lisa Pavlisick

Contract - TB - no change from last year - Don DeFord - reviewed - renewal letter - only change is in amount of money being reimbursed - \$7,764 (increase of \$1,837) - correlates to number of TB clients in direct/observed therapy.

Walt - made a motion to approve Contract Renewal Letter Number 01, State of Colorado, in the amount of \$7,764 and the Chair be authorized to sign; Larry seconded; motion carried.

Nursing Contract - no changes - reimbursement for the salaries of the nurses - pays a certain percentage - \$18,222 - small increase.

Walt - made a motion to authorize the Public Health and Environment Contract for reimbursement of \$18,222 to supplement the County nurses' salaries; Larry seconded; carried.

Public Health Program Reviews

* W.I.C. - program staff continue to serve the needs of 900 W.I.C. clients

* Immunization Program - foreign travel clinic services continue to grow with utilization by County residents - physicians in favor of the Public Health Department to handle the immunizations - Kate Lujan said vaccines are stored in both places except for yellow fever which is restricted by location - Mary commented that the State regulates the designated sites.

* Healthy Beginnings Update - Lisa Pavlisick gave report - 135 patients/37 enrolled in their 1st trimester - Deliveries - 113 patients to date - 38 post partum/123 active prenatal

Rifle Clinic - good response - Pre-Natal Site Review on June 7, 2000 - very positive feedback

* Well Health Child Program - Kate Lujan presented - PHNS provide classes on medication administration to the community day care providers - four-hour class covering prescriptions, eye/ear drops, nasal sprays, over the counter Tylenol; long-term medication; creams for skin rashes - handout provided - additional class is taught on infectious and communicable diseases -

Family Day-Care Providers as well as Day Care Centers are required - community feedback is positive.

* H.C.P. - Health Care Program for children with special health care needs continues to provide excellent medical resource to clients and case management - a neuro clinic was held 6/15/00 - 7 area children attended.

* E.P.S.D.T. - continues to be a valuable resource to clients to find medical resources in community - grant dollars from CDPHE have been received - we are in the process of updating the EPSDT computer system.

Net Working and Collaboration Updates

* Dental Task Force - dental chair donated by Grand Junction dentist - will be used to provide services to AIDS patients in the future at Community Health Center under the Ryan White Act by dentist from Denver who specializes in the area.

* Columbine Family Center Board meeting scheduled for 6/21/00, 6-9 p.m. - Mary and Ed Green will meet with Gary Brewer (Valley View Hospital CEO) regarding space for Public Health at the GMA building.

Announcements

* Mary Meisner received an award from UCHSC School of Nursing for her dedication to educate future health care providers throughout the state.

News

Prenatal Plus Site Visit - involves enhances services with registered dietitian - positive feedback - Sara Hess, mental health professional, has one of the best documentation styles in the state

Relevant Projects

Specialized Women's Services Update [2 programs - Special Connections (targeted to pregnant woman) and Specialized Women's Services (State program for all women, with dependent children, who are abusing drugs and alcohol)] - meeting on Thursday, June 22, 9 a.m.-Noon, at White River Counseling Services to talk about programming and needs - John Martin suggested contacting Justice Review Committee.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Board of Health; carried.

HUMAN SERVICES COMMISSION

Deb Stewart (R.S.V.P. Program), Kate Somsel-Longmore (Coordinator for Homemaker Services), Laura and Lori (Garfield Legal Services)

Lori and Laura - Garfield County Ombudsman - Advocate for Seniors - Valley is split up into two sections - monthly visits are made to the Senior Centers and quarterly to the Assisted Living - investigating complaints that do not rise to the level of criminal - important issues such as meals, laundry, and missing clothing - Lori and Laura walk the halls and meet the people - Lori mentioned they are attempting to attend the family meetings as well.

Kate - Coordinator for Homemaker Services - in existence for 3 years - quadrupled number of people in program - majority of participants are seniors from Garfield County - services so they can remain independent - light housekeeping, meal preparation, respite care, frozen meals provided through RSVP - provided survey - comments - thank you for a service like this so the senior can stay in their home - partially subsidized program based on income - services Aspen, western Eagle County and Garfield County.

Deb Stewart - presented a preliminary report on senior activities - CMC in Rifle - Life Institute for Seniors - Partners - 725 volunteers - over 100,000 service hours per year

Spellbinders - a reading program

Block Project - creates blocks with letters for children

File of Life - emergency info for EMT - a magnet with a pocket.

Art Shows - Grief Share and Hospice Headstart, Millennium Tree, Cooking, etc.

Juvenile Youth Court - call from Judge Ossola asking for volunteers

Newsletter to the Sites - now self-supporting with ads from the Community - 1500 addresses - use as an education piece.

New Money - Colorado State Assembly - new funding - adding Friday meal days in Rifle. Deb will need to demonstrate the use of these funds.

New Program - Frozen Meal Delivered Meals - self-sustaining program - \$2.25 each - designed for Senior Citizens - GA Sun Meadow Family Foods are the suppliers - safer in a rural area.

The Traveler - Information sheet provided - Rifle 10% increase over last year - Silt increasing - increases in services are shifting West.

FIVE Wishes Program - beyond Medical Durable Power of Attorney and Living Will - brings family into the discussion - other options besides what lawyer says - what is required by law.

Dorothy Ault - Cooper Corner

Adult Day Care - in 3rd year - new flyer - joined Columbine Home Health in January - provided more professional services - once a month caregivers' support group - Wellness Clinic - Methodist Church allowing use of their facilities - serving 10-18 people.

Deb-

Parachute Senior Center - got their grant money together - parking lot - providing their own funding to complete this project - new roof working well - these seniors have raised their own funds to do the changes for the Center - Parachute Senior Center is collecting walkers, wheel chairs, other equipment for safety is available.

Human Services Grants went out last week.

SOCIAL SERVICES

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go out of the Board of Social Services; carried.

APPROPRIATION CHANGES - 2000 BUDGET

Jesse Smith presented.

- 1) BOCC needs to accept a revised budget approved in December 1999 for 2000. The attachment to the Resolution had a couple dates that were incorrect. These have been corrected.
- 2) Exhibit A - some numbers in the Motor Pool taken out but included financially.
- 3) Exhibit B in packet - show the supplemental changes
 - a. new budget requests for 2000 not submitted in original 2000 budget request
 - b. transfer changes from 1999 to 2000 for projects started in 1999 but not completed
 - c. inter agency transfers in line items - transferred into areas of greater expenses.

The fund balance differences were guesses that were predicated on the fact that projects were started or ending in 1999.

Jesse supplied an explanation of each supplemental request.

Resolution approving Exhibit A and Exhibit B.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to be authorized to sign the Resolution concerned with amending Resolution 99-122 concerned with the adoption of the budget and appropriation funds for fiscal year 2000 and amending the approved Garfield County Budget Appropriation for the fiscal year 2000, Exhibit B; carried.

AIRPORT - TAXIWAY EXTENSION

Kenny Maenpa

Revised Contract Amount (original was \$1.2 million) for Airport Taxiway Extension - reduced to \$999,734.80.

A motion was made by Commissioner Stowe to revise the award to Con-Sy, Inc. for the Airport Taxiway to \$999,734.80. The motion was seconded by Commissioner McCown; carried.

WEED ADVISORY BOARD APPOINTEE

Steve Anthony, Vegetation Manager

Presented memo regarding Carbondale's Nomination of David Rippe as their representative to the Weed Advisory Board - would be a liaison between the Weed Board and the Town of Carbondale.

Steve requested that five (5) additional positions be added to the Weed Board.

Commissioner McCown commented that he didn't want to see the balance placed where the cities were controlling the unincorporated portion of Garfield County. He explained that the people could not vote on what happens inside the incorporated portions of the cities and towns.

Steve explained the need for having the municipalities involved in that otherwise the cities and towns would have a Weed Board and a Weed Management Plan.

Chairman Martin - need checks and balances, but did not see this as a problem.

Commissioner Stowe agreed with Commissioner McCown that he was concerned about the balance.

David Rippe mentioned the towns and cities would need to have a hidden agenda that was combined in order to change the board makeup where municipalities would have the majority vote and leaving the County out.

David explained his interest saying the need for chemicals to control the weeds is important, but education on soils and soil management is also needed. Motivation is a key factor - not location as to representation. Education is a key factor.

Steve Anthony stated that there are specific weed issues within each of the towns and cities and it will greatly help in attacking the weed issues.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to increase the Weed Board to 15 with 7 voting and 8 alternates and to appoint David Rippe from Carbondale; McCown rephrased his motion to specify that the other 5 members of the board as alternates would be appointments of municipalities; Commissioner Stowe amended his second; motion carried.

GARFIELD COUNTY WEBSITE AND APPLICATION SERVER PROPOSAL

Ken Maenpa, Mark Bean, Liz Nelson, Ed Green were members of the Web Site Development.

Christopher Barry from Rofintug was present and provided an overhead review.

Why do a website - its a great way to provide information to County Constituencies. He suggested to put all forms on the site; events and calendars; no end to the possible benefits. Increasing service without a huge cost. Snowplowing priorities.

Draft site = Interesting = Clear = Intuitive

Chris suggested spending time up front where the different staff would be responsible for updating their own web page. This requires additional time for Rofintug. Rofintug charges \$60 per hour.

I.E. Personnel Application Page - making changes

I.E. Central Office Supplies

The basic theme is, instead of building your own network using a central server, using the Internet you can access information on the website. Constituencies and staff access information.

Rofintug - nonprofit Internet providers. Their Charter requires them to provide service. They can provide this for Garfield County making it easier to handle.

The Proposal:

Phase One: Basic Website: Textual content for existing headings except Sheriff and Library. Includes web pages and training.

Website Design and Development \$3900.00

60 hours @ \$65/hr.

Scripting Design for Uploadable pages - 32 \$2080.00

Not to exceed total cost \$5980.00

Phase Two: ASP Scripting

60 hours @ \$65/hr. \$3900.00

On-site training for personnel responsible
for changing content. 5 hours 325.00

Total monthly cost \$450.00

Chris stated password protection would be in place. Within each department access would be delegated and retraining for staff or replacement staff.

Ken stated a lot of department heads were contacted and asked what the majority of time was spent in giving information.

Rob Hykys can put maps on the Internet. Flood zones are available as well.

Protective Web Pages - 1 for each department - 15 for \$450.00. This covers the connection and machine for the Internet. This covers Rofintug's cost, training and support.

Virus protection should be incorporated.

Jesse stated the IRS requires payroll information be provided electronically.

Chris explained how viruses are spread, particularly through E-Mail of Files.

Chris stated as upgrades are made to the Webpage, security should be asked at every stage.

If the County is designated as the Internet Provider, each E-Mail would be reduced from \$15.00 down to \$5.00. A dial in connection would still be \$15.00 a month. The Business Membership would be different.

The site as outlined now could be up and running by midsummer - approximately Phase I - implemented by August 1st. Phase II - not much longer - October 31 if not sooner. Chris would need the content to be incorporated.

A motion was made by Commissioner Stowe to approve going ahead with Garfield County Website and Application Server Proposal through Phase I and II, okaying those costs not to exceed the \$9,880 with a \$450 per month service charge, and get website up and running, the initial website by August 10, the balance (providing we have the proper training staff in place) by October 31; Commissioner McCown seconded.

Chris Barry - it's user-friendly to train one from each department to do their own updated.

Motion carried.

Recess

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this meeting until 8:30 a.m. tomorrow; carried.

Attest:

Chairman of the Board

JUNE 20, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, June 20, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

EXECUTIVE SESSION

Don DeFord requested an Executive Session to discuss oil and gas litigation; DeFore; and Te Ke Ki. A motion was made by Commissioner McCown and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT FOR NATURAL RESOURCES EXTRACTION GRAVEL PIT. LOCATED: APPROXIMATELY 1 MILE EAST OF SILT OFF OF SOUTH OF THE RIVER FRONTAGE ROAD. APPLICANT: WESTERN SLOPE AGGREGATE

Mark Bean, Don DeFord, Bill Roberts, and Glenn M. Harsh, Attorney for the Applicant were present.

Don DeFord was presented the noticing documents. Don asked the applicant questions regarding notification and publication. After reviewing the documents and based on the responses of the applicant, Don advised the Commissioners they were entitled to continue

Chairman Martin - This is a public hearing and for all those who wish to give testimony, need to swear you in. If you would raise your right hand, Do you promise to tell the truth, the whole truth and nothing but the truth?

Audience and Applicant -- I do.

Chairman Martin - Mr. Bean do you have Exhibits?

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application & Supplemental Information; Exhibit D - Project Information and Staff Report; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Garfield County Comprehensive Plan of 1984; and Exhibit G - The Memo that I just passed out to you that we received from the Town of Silt, dated 6/19/2000.

Chairman Martin entered Exhibits A - G into the record. Begin with your staff report.

Mark Bean stated that this is a request for a Special Use Permit for extraction of Natural Resources (sand and gravel mining) processing (concrete batch plant) and mining in a floodplain for Western Slope Aggregates, Inc., on 41.07 acres just south of the River Frontage Road, approximately two (2) miles east of Silt.

The actual mined area will be approximately 25.9 acres and the depth of the gravel layer is estimated to be 22 feet. The pit will be mined in three to four stages varying in size from eight (8) to eleven (11) acres.

The memorandum received on June 16, 2000 from Davis Farrar and not the Silt Planning and Zoning requested the Board of Commissioners continue this hearing allowing Silt to do a site review. Their main concern was the access onto the Frontage Road.

Recommendation:

Approval, subject to the following conditions of approval:

1. All proposals of the applicant and representations made at the hearing shall be considered conditions of approval unless stated otherwise by the Board of County Commissioners.
2. That a copy of all Colorado Department of Health and Colorado Division of Minerals inspection reports shall be submitted to the Planning Department, prior to issuance of any special use permit.
3. A copy of the final decree for the approval of a Plan for Augmentation, Case No. 00CW25 and the approved well permit will be submitted to the Planning Department prior to the issuance of the special use permit.
4. Water will be used as a dust suppressant in project area and on the haul road on a regular basis to mitigate any adverse impact from dust emissions extending beyond the immediate project area.
5. All activities within the gravel pit may occur between the hours of 7 a.m. and 5 p.m., Monday through Saturday.
6. All natural resource processing will occur in an area south of the topsoil and overburden stockpiles. Processing includes crushing and washing of aggregate and the concrete batch plant. All stockpiles will be re-vegetated.
7. A maximum of 180 ADT will access and exit the property on any workday. One ADT is defined as a vehicle coming onto the property and exiting the property on the same day. Additionally, the applicant shall comply with all conditions of approval attached to their Colorado Department of Transportation Highway Access Permit.
8. All activities within the gravel pit will operate in compliance with the CRS 25-12-101 et seq., noise standards. Should there be a complaint about excessive noise, it will be the responsibility of the applicant to provide documentation regarding the ambient noise levels and the noise levels of the activity causing the complaint, consistent with the State noise standards. Any such documentation will be presented to the Board of County Commissioners at a public hearing noticed in the form required by Section 9.03.04/ The Board may amend the permit based upon the documentation submitted at the hearing to bring the activity into compliance with the State noise standards.
9. One sign, permitted in compliance with Section 5.0-7 of the Garfield County Zoning Resolution of 1978, as amended may be allowed on the property.
10. A copy of the Spill Prevention and Countermeasure Plan will be filed with the County Sheriff and County Emergency Preparedness offices, prior to the issuance of the special use permit.
11. All activities within the floodplain will occur in a manner consistent with the representations of the applicant.

Applicant Input:

Glenn Harsh - replied to Silt's Memorandum stating they did not receive notice of this application until June 16. Mr. Harsh stated that the Public Notice was published on May 19th and therefore, Silt did have a 30 day notice. This memorandum is from Davis Farrar and not from the Silt Planning and Zoning.

Public Input:

Fred Cook with Stillwater Development stated that this was an adjacent property to where the mining operation is to occur. We were just made aware of the application on Monday. We've had conversations with staff at the Town of Silt - Davis Farrar. The Town Administrator Greg Olson is out-of-town on vacation and has not had the ability to be able to comment on it. We feel that this operation could have both a significant environmental and economic impact on our project and the surrounding properties. We have not had a chance to review the application, and we would just ask that it would be continued in order to allow the Town and P & Z, which I know, the Town's Planning and Zoning Commission plans on addressing this issue at their next meeting. They've not had an opportunity to be able to do that and we would like the opportunity also to be able to comment on it, which we are not prepared to do right now because we have not had the ability to review the application.

Chairman Martin - Questions of Mr. Cook?

Don DeFord - I have one. Does your project's property, is it actually contiguous with this property?

Fred Cook - I think it is almost contiguous, we have a commercial piece that we've just made application for annexation to the Town that is right across the river, I think to - it's on the north side of the river.

Don DeFord - From a legal perspective it's important to me whether or not the boundary of your property actually touches the boundary of the applicant's property. Do you know if it does or not?

Fred Cook - I don't - I can't answer that question. I haven't seen the full boundary of their property. As I said, we're not in possession of their application. I think the rule we are asking for is the ability to be able to review it and comment on it, cause right now we really can't state if we are opposed or in agreement with their application.

Chairman Martin - Do you have a comment, Mr. Harsh?

Glenn Harsh - Yes, thank you. Again I would like to state that Mr. Cook was notified of the application on May 19th, the date of publication. Furthermore, the property was posted with signs for Mine Land Reclamation Permitting purposes. Mr. Cook is not or Stillwater Ranch is not a contiguous or adjacent property owner. Furthermore, the concerns, any concerns that Stillwater Ranch may have with regards to our proposed operation, would have questionable foundation because of the fact there is a much larger gravel pit operation on the south side of the river in closer proximity to Stillwater Ranch. Furthermore, is not Stillwater Ranch going to be a great consumer of aggregate? I have no further comment.

Chairman Martin - Mr. Cook, do you have anything else?

Fred Cook - Not now.

Chairman Martin - Questions of Mr. Cook from the Commissioners?

Commissioners Stowe and McCown - not now.

Chairman Martin - Did you receive notice on the 19th or after that? Do you remember?

Fred Cook - Not to my knowledge.

Chairman Martin - Would the office receive that or?

Fred Cook - I get all the mail that comes in for Stillwater at the office, I have not seen any notice whatsoever.

Mark Bean - Mr. Chairman, if I could address that, they're not identified and based on my knowledge it's Stillwater and they would not be categorized as an adjacent property owner.

Chairman Martin - Any other citizen? Does anyone else wish to give testimony on this matter?

All right. Do you have anything else, Mr. Harsh?

Glenn Harsh - No, but we are available to answer any questions or concerns that the Board may have.

Commissioner McCown - Mr. Harsh, on the notification you were alluding to was Stillwater, wasn't that the published notification that everyone in the County had access to?

Glenn Harsh - Correct.

Commissioner McCown - Not specifically Stillwater?

Glenn Harsh - Correct. On May 19th the legally required and recognized public notice was published in the newspaper.

Chairman Martin - Thanks. I just need a minute or two to read that. Mr. Grant's information.

Commissioner McCown - I read it yesterday; it was in my box.

Commissioner McCown - Bill, what is your anticipated beginning of operation should this be approved?

Bill Roberts - owner of Western Slope Aggregates. Basically, we need to start stripping and get it prepared and our crushers are available probably in the next 30 to 60 days. But we need 30 - 45 days to get prepared for the crushing operation itself; basically, the trench and de-watering things put together.

Commissioner McCown - Road built in and ...

Bill Roberts - And the road built in, and dealt with, although that's pretty decent. There's not too much dirt on top.

Commissioner McCown - There was some portions of the road that were going to be paved and other ones watered. Can you give us a little clearing on that? I believe that was the statement that I remember being read into the record. Some paved and some watered is a bit vague in my mind on - that could consider the first 20 foot off of the existing outer road would be paved and the rest would be watered. Just a little clearing, please.

Glenn Harsh - Sure. What we will do is pave all the way down to where we are actively extracting the aggregate. There will be an area from where the asphalt stops to where our machinery is excavating which could be 30-50-70 feet or so. As the pit progresses north, of course, that asphalt will be undermined with the mining and so there will be a short section of watered gravel road in close proximity to the actual mining operation with the remainder out to the State Highway being paved.

Bill Roberts - I think to further address that Larry is that if you, from our scale house, where we go onto our scale and on out to the highway.

Commissioner McCown - That's what I was thinking.

Bill Roberts - That's what we'll be dealing with.

Commissioner McCown - Everything from the scale house out.

Bill Roberts - Yelp.

Commissioner McCown - That's what I was wanting to hear. Okay, everything from the scale house to the road.

Chairman Martin - You've not had any direct contact with the City of Silt or anyone representing the City of Silt letting them know that this was taking place? Either officially or unofficially?

Bill Roberts - Actually, we had lunch one day when we were first down there and we met, we saw Davis at the restaurant and he was asking me about what I was doing down in that area.

Davis's and my kid were born at the same time, the same night, and we both were ringing hands at the hospital, so I'm real familiar with Davis. But in that, he basically, at that time, this was last oh, October, we had the conversation then. So he was aware that I was down there, you know, trying to deal with a new permit. Whether or not, whatever his authority is, I don't know.

Chairman Martin - I believe he's under contract with the City of Silt as a Consultant.

Bill Roberts added that Davis sure would have all the opportunity in the world to call us, or to call me and we really didn't realize the criteria that you folks deal with in terms with the City of Silt, so.

Chairman Martin - As you know in the other business in the other end of the valley you've been a pretty good neighbor down there and had a lot of conversations with the folks around it, so I was hoping that maybe some folks from Silt had talked to you.

Bill Roberts - If we would have known about this letter, we sure would have visited with the Town of Silt.

Chairman Martin - I'm sure you would of. all right, anything else from the staff?

Mark Bean - No sir.

Chairman Martin - Mr. DeFord?

Don DeFord - No.

Chairman Martin - we'll need to go ahead and close the public hearing unless you have other questions.

Commissioner McCown - No, I don't with no other public input. Make a motion that we close the public hearing. Commissioner Stowe - second.

Chairman Martin - All those in favor?

McCown - aye; Stowe - aye; Martin - aye.

Chairman Martin - And it's back to the Commissioners, do we have consideration at all to continue at the request of the Silt Town Council or the representative of Silt P & Z?

Mark Bean - I'm sorry..

Chairman Martin - No, I asking the Board. Do we feel we need to respond to that request for a continuance?

Commissioner McCown - I guess I personally don't feel obligated to that - no.

Commissioner Stowe - I don't either.

Chairman Martin - So do not have a motion to go ahead and continue for the request of Silt?

Commissioners McCown and Stowe - no.

Chairman Martin - all right.

Commissioner McCown - I would make a motion that we approve the Special Use Permit for the extraction of natural resources at the given location as stated earlier with the 11 conditions, noted in the staff report also including all testimony by the applicant today which would be the extent of the paving, the relocation of the berm to the northern boundary to not only shield visually but any sound barrier that might be there; and add No. 13, or No. 12, I'm sorry, to the conditions which would be a review of this Special Use Permit 18 months from today's date, on compliance.

Chairman Martin - All right we have a motion to go ahead and approve with the 12 recommendations.

Commissioner Stowe - I'd second that.

Chairman Martin - Discussion on this? I think that the review is appropriate under the circumstances and anything that needs to be followed up from C-DOT to any other concerns, noise, pollution, etc.

Commissioner McCown - Bill's used to those too.

Chairman Martin - Yes, he is.

Commissioner McCown - It's the good way for us to make sure everything is going as planned.

Chairman Martin - And I will say there are many concerns that have been addressed here from the pollution of the river to the chemicals to everything else and recommendations and standards, permits are in place, I feel that all the safeguards are there as well. Plus, I believe that you are going to be good neighbor, hopefully you'll be a good neighbor. So, we'll call for the question.

Commissioner McCown - I think Mark had one comment.

Mark Bean - I just added, was going to suggest perhaps a little clarification on Larry's request there is, per the section, I think that Don - do you have the 507 in terms of annual review, that it would require the applicant to notice the hearing?

Commissioner McCown - yes, yes.

Mark Bean - I just wanted to make sure that we're clear on that.

Commissioner McCown - I think that Bill's familiar with the process.

Chairman Martin - Yes, we've had that on the other Special Use Permits and is referring to the same. All right, we'll call for the question. All those in favor of the motion.

McCown - aye; Stowe - aye; Martin - aye.

Chairman Martin - And again, I hope that you'll contact Stillwater and the Town of Silt and be a good neighbor as you have in the other areas. Thank you very much.

PUBLIC MEETING:

REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATED: APPROXIMATELY 3 MILES NORTH WEST OF SILT OFF OF COUNTY ROAD 233.

APPLICANT: FRANKLIN RYDEN

Mark Bean, Don DeFord, Cheryl Chandler of Huebinger Real Estate, Inc., and Franklin Ryden were present.

Don reviewed the noticing requirements with the applicant. Noticing and publication were in order and Don advised the Commissioners they were entitled to continue.

This is an exemption from the definition of subdivision for C. Franklin Ryden on approximately 80 acres located north of CR 233 between but not adjacent to CR 280 and CR 268.

The applicant is proposing to split the tract into four 20 acre parcels.

Recommendation:

Approval of this application with the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval;
2. A Final Exemption Plat shall be submitted, indicating the legal description of each of the lots, dimension and area of the proposed lots, 25 ft. wide access to a public right-of-way; and any proposed easements for setbacks, drainage, irrigation access or utilities;
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption;
4. That the applicant shall pay \$600 in School Site acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;
5. Prior to approval of an exemption plat by the Board of County Commissioners, the applicant will submit copies of approved well permits for both lots. That the well sharing agreement and covenants be amended to allow for one of the lots to have the right to the additional dwelling or the covenants need to be amended to eliminate the provisions for an additional dwelling prior to the signing of an exemption plat.
6. The applicant shall obtain the necessary driveway permits prior to issuance of any building permits.
7. That the following plat notes shall appear on the Final Exemption Plat:
"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."
"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."
"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"No further divisions by exemption from the definition of Subdivision will be allowed."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

"Due to severe soils limitations on portions of the property, engineered foundations and individual sewage disposal systems may be necessary for building permit applications."

Applicant: Cheryl Chandler commented on the conditions saying they widened the road access to 45' and would submit a plat.

Common Access between Lots 1 and 2 - there will be a cul-de-sac. This will accommodate a turn-around for a fire truck.

Mark stated this could be a hammer-head or a cul-de-sac.

Cheryl stated that the legals will be given to Russell George for completion.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to follow the staff's recommendation and approve the Special Use Permit with the recommendations submitted by the staff; carried.

READING OF ORDINANCE AND RESOLUTION AMENDING ORDINANCE 96-2 BANNING USE OF FIREWORKS

Guy Meyer, Don DeFord, and Deputy Sheriff Jim Sears were present.

Don read into the record Ordinance 2000-01 stating that Ordinance 1996-02 does not address the use of Fireworks.

It was noted that the Public Notice should read June 20 not June 19.

Ordinance No. 1996-02 shall remain in full force except by amending adding para. F - 12.28.

"Use of fireworks, as that term is defined in Section 12-28-101 (3)(a), C. R. S. as amended, which term shall mean any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflation, or detonation, which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Material Regulations, Title 49 C.F.R. 173.88 and 173.100."

Don DeFord mentioned the Ordinance would be in effect immediately after adoption and publication.

The matter was set for June 27 at 10:00 A.M. A public meeting will be held where Guy Meyers and Sheriff's office was requested to be present. Some members of Board of Commissioners will be available by phone.

Don explained that in order to implement this Ordinance including Fireworks Ban will requires two steps. First the Ordinance amended to add fireworks; and a Resolution actually banning Fireworks approved by the Board. This will be on the agenda for June 27. Don further explained that the Ban on Fireworks would be actively in place once it is published.

Don will propose, if adopted, ban made to be coexistent with the Fire Ban.

DISCUSSION: CONTINUATION OF FIRE BAN

Don DeFord, Guy Meyer, and Jim Sears were present.

Don apprised the Board of what is currently in place.

Guy provided the Board with today's read-outs of the fire weather forecast commenting that the reports states conditions well below 15%. A map off the Internet BLM Web site indicates Western Counties are below 10. The County didn't totally benefit that much from the rain in the last few days.

Guy was asked to have the extended forecast available at the meeting on June 27.; this will be reviewed again on that day.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve Resolution 2000-36 extending the Fire Ban until July 17, 2000.

Commissioner McCown amended his motion to include "the Resolution to whatever it becomes."

Commissioner Stowe seconded; carried.

Guy commented on the residents calling in with regard to fireworks.

The Board responded to those comments that the State Statutes allow for fireworks. The State issues the permits for the sale of fireworks; therefore it is out of their jurisdiction.

LIQUOR LICENSE RENEWAL: ASPEN GLEN GOLF

Mildred Alsdorf presented the renewal application. She stated that in checking with the Sheriff's Department there were no reports against them at the golf-course. There is an application for modification of premises and a new manager. This will be brought to the Board at a later date.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Liquor License Renewal for the Aspen Glen Club; carried.

Rose Ranch Development - Discussion

Tim Thulson submitted the Extension of Preliminary Plan and Filing of Final Plat for the Rose Ranch P.U.D., Phase 1 Form. The request made by Roaring Fork Investments, LLC, and the developer of the Rose Ranch P.U.D. for extension to be heard by the Commissioners on July 10, 2000.

Tim Thulson explained in detail the problem that had generated this request. He added that no action was being requested today, but wanted to provide the Board with this information and be on the agenda for July 10.

Don DeFord stated that if the Board was going to approve the request, then a motion should be framed to extend the date for filing, Phase I and PUD for Rose Ranch to July 10. This issue would be placed on the Consent Agenda July 10, 2000 and would not require any action by the Board today.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest:

Chairman of the Board

JUNE 26, 2000
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, June 26, 2000 with Chairman John Martin present and Commissioners Larry McCown and Walt Stowe by telephone. Also present were County Administrator Ed Green, County Attorney Don DeFord. Sheriff Deputy Jim Sears, Community Corrections Guy Meyer, Building and Planning Mark Bean and Clerk & Recorder Mildred Alsdorf.

Public Hearing - County Ordinance 2000-1 - Fire works added to Fire Ban

A decision was made in a motion by Commissioner McCown and seconded by Commissioner Stowe to not place a ban on fireworks but to reserve the right through this resolution to do so; Commissioner Stowe added that he would continue the signing of the Resolution until the next regular meeting of the Commissioners; motion carried.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn the meeting; carried.

Attest:

Chairman of the Board

JULY 10, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 10, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green, Director of Planning Mark Bean, County Attorney Don DeFord and Jim Leuthueser, and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

KN ENERGY

Gail Hutchinson of KN Energy mentioned that the natural gas rates have gone up. She explained that this was due to a national shortage; not necessarily in Colorado. As the oil price increases, natural gas follows. The Public Utilities Commission asked them to raise the rates now instead of the fall.

Last October they had a 7% decrease. Gail stated they are required to file again in October 2000; it depends upon the prices then as far as rates beginning in November.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

a. Letter of Support: County Wide Telephone Calling

Operations Director Dale Hancock described that other Counties have been successful in accommodating local calling within their County. He described the process and requested a letter from the Board for support in addressing the PUC for a hearing. This will be for local calling between Roan Creek and Carbondale.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the process to get started and authorize the signature of all Commissioners on the beginning of the petition; carried.

b. Ambulance Service

Dale Hancock reported that Tri-County Ambulance went out of business. An inspection of Emergency Management Services was provided and an in service Silt License Number 2000-3 was approved to operate these services by the Silt Volunteer Fire Service. Dale explained that he needed a motion to have the Commissioners sign the License.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the License for Silt Volunteer Fire Service to add Ambulance No. 3; carried.

c. Award Contracts: Airport Waterline Extension

Soil Testing for Water Transmission Main

Engineer Randy Withee and Purchasing Tim Arnett submitted a report in regards to the soil testing for water transmission main - Garfield County Airport Service Area. He stated the City of Rifle has submitted to the County a cost proposal for Construction Material Testing for the sewer transmission line. HP Geotech submitted the proposal.

As per the agreement, the County is responsible for costs incurred by the City for construction management and inspections. Evaluation of the hours and the rates presented in the proposal appear to be reasonable. Therefore recommendation is to proceed with the proposal at a not to exceed amount of \$8,760.00.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contract with HP Geotech for \$8,760.00 for soil testing for water transmission main at the Garfield County Airport Service Area; carried.

d. Install Water Main Extension and Storage Tank for Garfield County Airport Service Area

On Thursday, July 7, 2000 bids were received and opened for installing the water main extension and storage tank for Garfield County Airport Service Area. Five bids were received ranging from \$597,435 to \$952,065.

The low bidder was Gould Construction, Inc. out of Glenwood Springs.

As per the agreement between the City of Rifle, Garfield County, and Airport Land Partners, Limited, the County is to provide the following prior to or upon award of the water line construction contract:

Y Deposit with the City of Rifle the amount of the bid - \$347,435.00;

Y Pay the Sewer System Improvement Fee of \$100,000.00.

Randy recommended that the Board of Commissioners concur with the assessment have the City of Rifle proceed with the award of the sewer line contract.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the low bid to Gould construction for \$347,435.00 excluding the water tank; carried

c. Consideration to Award Competitive Bid to Honnen Equipment Company for Road and Bridge Excavator

Purchasing Tim Arnett and Road and Bridge Director Tom Russell presented the Pre-Tested and Pre-Qualified Truck Excavator item to the Board.

Tim mentioned the old equipment will be considered for sale in the countywide auction.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the purchase of a pre-tested and pre-qualified track excavator to Honnen Equipment Company for \$150,251.00; carried.

d. Consideration to Continue First Extension of Contract for Salvage Removal 2000

Tom Russell presented a First Extension of Contract for Salvage Removal 2000 stating the contract was originally entered into between the parties on or about March 6, 2000 which was due to expire on July 31, 2000. The Parties entered into an Extension dated June 7, 2000 that extends the contract through December 31, 2000.

All provisions of the Garfield County Contract for Salvage Removal - 2000 not amended herein remain in full force and effect during the term of this extension.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair's signature on the first extension of contract for salvage removal 2000 to December 31, 2000 to Sheppard Trucking; carried.

e. 2000 Objectives Update

Ed Green submitted the update on the 2000 objectives.

Turnover study from Personnel will be submitted later this afternoon.

He summarized the completed goals and the status of those not yet completed.

Janice Louchs submitted a Status Report on the completed activities and remaining activities at the Rifle Events Center - a.k.a. Riding Arena.

f. Consideration of Library Board Member

Ed explained that the Library Board's newest appointment decided to move on. He submitted a letter from Paula Bush who was interested in serving. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint Paula Bush to the Library Board and Jaci Sphuler to be informed by staff of the appointment; carried.

g. Consideration of Planning & Zoning Board Member

Mark Bean supplied the Board with a list of 20 applicants to be considered as a Planning and Zoning Board Member.

The Commissioners discussed those making application and a motion was made by

Commissioner McCown and seconded by Commissioner Stowe to appoint Mike Silvia as

a voting member on the Planning and Zoning Commission and Douglas J. Wright from Silt as replacement of Domonic Dodera as alternate position; carried.
Staff was directed to notify these individuals of their appointments.

h. Stairways - Courthouse

Ed presented the plan for the safety on the stairs for the Courthouse - Basement to Third Floor. He mentioned the former plan was to use Plexiglas at a cost of \$6,000 but the results were not satisfactory.

The new plan calls for iron work and a contract to Pioneer Steel to provide the work for a total cost of \$8,160.00.

Commissioner Stowe moved to approve the Contract with Pioneer Steel for \$8,160.00.

Commissioner McCown seconded. Motion carried.

i. On-call Services Contract: Schmueser Gordon Meyer

Tim Arnett presented a standard contract for services by Schmueser Gordon Meyer not to exceed \$15,000 for on-call services.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the contract with Schmueser Gordon Meyer not to exceed \$15,000.00: carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord, County Attorney reported:

a. Amended SIA & Development Agreement: Rose Ranch

Tim Thulson w/Balcomb & Green representing Roaring Fork Investments, LLC., Ronald Jacobs with Leman Brothers Holding, and Deputy Treasurer Jean Richardson from the Treasurer's Office were present.

Tim summarized that last week he met with Don DeFord. The Development Agreement had a provision in it that terminated after 6 months unless they filed the final plat. They are seeking an extension until September 11, 2000. Tim incorporated an amendment, a stand alone document that amends the development and extends the time period for the filing of final plat to September 11, 2000. Under this amendment, if the final plat is not filed by that time, the development agreement expires on its own initiative.

These documents were provided the Board.

Don said all these documents are combined in one.

If the Board does not approve, Balcomb and Green are prepared to deposit the funds necessary to secure all the construction and completion of the Improvements.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the First Amendment to Subdivision Improvement Agreement for Rose Ranch Planned Unit Development, Phase I extending the time for filing of the final plat to September 11, 2000; carried.

Spring Valley Public Hearing

Mark Bean reported on the Spring Valley Public Hearing asking for Tuesday, August 15, 2000 since the 120 days expires August 21, 2000.

The structure for the meeting was determined to be the same as for all Public Hearings and individual speakers will be limited on time to address their concerns.

A date of August 15 at 9:00 A.M. was set.

EXECUTIVE SESSION - Legal advice concerning the contract for formation of Regional Transportation Authority; Update on litigation involving Intermountain Resources; Discussion concerning contracting authority for the Social Services Director - Child Protection Case; and County liabilities as related to Road Maintenance

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

Director of Social Services Margaret Long and Ed Green were asked to stay for the legal advice on the Child Protection Case concerning authority.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Commissioner McCown, for the benefit of the press, gave a symposia of the reasoning behind what we're about to do. Basically, it is to authorize, and the motion will include this authorization, for the Director of Social Services to enter into contract signing for child care placement and professional services for individual or family evaluations. Up until this action is taken today, Margaret Long has done this numerous times on individual cases, child placement, foster care, whatever and apparently there has not been able to establish any authority from the Commissioners to do that, so what we are about to do will just simply give her the authority to enter into these contracts. The critical need is the time element involved. Oftentimes the situations arise and it's not timely for a Commissioners meeting or a hearing that would take place for us to authorize those contracts. So, it would allow her to enter into those contracts on an "as needed basis" in a timely manner to get the patient the best possible care. With that I would make a motion to authorize the Director of Social Services to enter into contracts for child placement and professional services for individual children of families none of those contracts which could exceed a \$20,000.00 expenditure cost to the County.

Commissioner Stowe seconded the motion.

Chairman Martin - also subject to the review of the attorney, which Margaret does already.

Motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items by Don DeFord; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONERS REPORT

The following meetings were stated:

Kickoff Budget Tuesday - 7/11/00

7/11 - Elected and Department Heads - 9:00 A.M.

Wednesday, 7/12 - Luncheon Board of Realtors - Rivers - Subject Matter 1041 Powers

7 - 9 P.M. A Noticed Public Hearing with City of Glenwood Springs 7/13

Parade in New Castle Burning Mountain - Saturday

RTA - Thursday morning 7/14

BLM and Red Hill Trail - receiving a National Recognition - 8:30 a.m. 7/21 - BLM presenting to volunteer group and all entities. Locals, BLM and Forest Service will be participating.

County Picnic - 7/20 - Volleyball

Rural Resort - Aspen 7/9

Joint Meeting with City of Glenwood Springs - Courthouse - 7/18 - 7:00 A.M.

Tom "Cubby" Trevena - Yard Sale, Dunk Tank, Bake Sale - September 9, 2000

Affordable Housing - Jean Martinsen will notify.

Mayors Meeting 7/13 - New Castle - General Store

Rifle - Boat Ramp - Ed reported on the progress. Tom wanted to do this for the water tankers to have access.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

AIRPORT ISSUES

a. Airport Status Report

b. Ken Maenpa submitted the Airport Manager's update reports on fuel sales January to July 1, 2000 showing the increase in usage since 1995 and the operating revenue through June of this year.

Fuel Sales running 100% higher than last year. June was a record month of 80,000 gallons due to the Eagle Airport being closed from April 22 through June 23, 2000 - for repairs. 40% higher than previous years.

Operating Revenue is a combination of fuel flowage, aircraft parking, and rental car fees.

Capital Improvement - Fire House near completion and the ribbon cutting ceremony will be held on July 17, 2000.

Taxiway Construction - Ken said the kickoff meeting for the pre-construction will be on July 17. The project is to be completed in 50 days from start.

Fuel Farm Improvements - Tanks are in place; completed 6/30/00.

Runway Fog Seal and Markings - Completed by August 3, 2000.

b. **AIP-08 Standard Form of Agreement & Notice to Proceed, Con-Sy, Inc.** Ken submitted the supplemental agreement No. 1 for Con-Sy, Inc. that reduces the scope of the project including safety area grading and size of holding apron to meet Group II standards. He added the reason for the change is due to insufficient funding to match the scope of the project as bid. The total deduction is for \$230,103.24.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bid for Con-Sy, Inc. in the amount of \$1,229,000 for the construction at the Airport.

Don DeFord asked if with the motion and seconded is the authority for the Chair to sign the contract with Con-Sy, Inc. in that amount.

Commissioner McCown stated yes.

Motion carried.

Supplement No. 1

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign Supplemental Agreement No. 1 which would reduce the amount of contract by \$230,103.24 making the overall contract costs \$999,734.80; carried.

Notice to proceed - Taxiway construct on - Con-Sy Inc.

Ken requested that the Chair be authorized to sign the notice to proceed for the Taxiway with Con-Sy, Inc.

Commissioner Stowe so moved. Commissioner McCown seconded; carried.

Notice to proceed - Asphalt Specialist Supply Inc. to apply modified asphalt emulation fog seal and pavement markings to runway 826. Ken requested the Commissioners sign the notice to proceed.

Commissioner McCown so moved. Commissioner Stowe seconded; carried.

Fairgrounds - First Amendment - Flag Issue - Executive Session Discussion Item

Commissioner Stowe reported that the Board dealt with this issue in Executive Session. Basically, people are requesting to fly another country's national flag at the Fairgrounds. Rather than adopt a Countywide policy, that says you can or can't, Commissioners have it within their authority to approve such a thing. However, the basic stand at this point is to take it on a case by case basis, but the general perimeter will be that the United States Flag will be the highest position flag and any other flying will be not larger than the U.S. flag.

PRESENTATION OF SERVICE PLAN: ROARING FORK OPEN SPACE, PARK & RECREATION DISTRICT

Bob Schultz and Calvin Lee presented.

Don DeFord and Mark Bean were present.

County Clerk and Recorder Mildred Alsdorf stated that she received the Roaring Fork Open Space, Park and Recreation District Service Plan on June 13 but the check was not given until June 15, 2000. The next step is for this to go to the Board of County Commissioners then to the Planning Commission.

Commissioner Stowe moved to refer this to the Planning Commission. Commissioner McCown seconded.

Don stated that Attorney Blake Jordan will need to review this as discussed and approved by the Board.

Mark stated there is a supplement to the spread sheet for the proposed \$10,000,000 bond issue.

Motion carried.

Executive Session - Oil and Gas Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss Oil and Gas Litigation; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

AFFORDABLE HOUSING

Sheila Smith from Garfield County Housing Authority and County Attorney Jim Leuthueser were present. Jim submitted a memo stating that the Supreme Court just recently ruled that a state prohibition against government rent controls on private property is still valid and voided Telluride's regulations. Discussion was held.

Attorney Calvin Lee appearing as counsel for the Garfield County Housing Authority, expressed to the Board that any way the Resolution can be salvaged, it should be. It is necessary for the County and Glenwood Springs to adopt a Resolution without the rent control.

Don DeFord and Calvin Lee discussed this issue and agreed that only the rental part should be stricken. Research with Tom Smith out of Pitkin County and Dave Mylar's litigation on Affordable Housing resulted in the decision that this issue ruled on by the Supreme Court can not be applied to the "for sale" of Affordable Housing.

It was suggested to schedule a hearing within a month of two; Calvin Lee will do additional research and provide some legal opinions.

Also, it was discussed to possibly schedule a Workshop with the Housing Authority to discuss how much is the risk versus the benefits to the County.

The Commissioners agreed that until the issue is tested there is no way of knowing what the outcome will be. The Telluride case was very clear; this Ordinance can not be done.

A date of August 14 at 10 A.M. was set to discuss this further. Calvin Lee agreed.

MODIFICATION OF PREMISES: SKI SUNLIGHT/SUNLIGHT MOUNTAIN RESORT LIQUOR LICENSE

Tom Jankoski and Mildred Alsdorf were present.

Mildred presented the proof of publication to Don DeFord.

This public hearing is to do a modification to premises; she submitted map showing the boundaries for the two day concert.

Tom Jankoski reviewed the details of the event with the Commissioners and answered the questions posed to him regarding safety, law enforcement, and security on serving of alcohol.

Mark Bean submitted a Memorandum to the Board of County Commissioners regarding the Section 9.03.04 of the Garfield County Zoning Resolution that requires the Board to hold a public hearing on any special use permit within 60 days of submission to the County.

This application was not received until May 22, any referral to the Planning Commission would require either a special meeting or it would have to go to their July 12 meeting. It could not be placed on the June 14 agenda due to the time requirements for notice.

Mark enclosed a portion of the application and comments received from the Sheriff and the Glenwood Springs Fire Department.

Staff noted that there are problems with the application in terms of the area to be included in the proposed Special Use Permit and whether all of the property owners have consented to the application.

Additionally, the property in question is zoned Commercial/Limited and that zone district does not have provisions for a "public gathering."

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the modification of premises for two days for Sunlight Mountain Resort Liquor License and authorized the Chair to sign; carried

BLM Weed Management Plan

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the BLM Weed Management Plan as submitted by Weed Management Director Steve Anthony; carried.

CONSENT AGENDA

a. Approve Bills and Payroll

Assistant County Administrator Jesse Smith was present to answer concerns and questions. Jesse

and Ed mentioned they would investigate the Eagle Computer Systems for Maintenance and New Upgrades to see if this monthly fee of \$4500 is feasible; or could there be a “on-as-needed-basis” and then pay for upgrades.

Ed mentioned this was negotiated by Allen Sartin and it may need to be revisited.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to pay the bills; carried.

b. Grant Time Extension to Meet Condition of McGovern Special Use Permit Concerning a Two (2) Family Dwelling Unit in the Western Hills Subdivision

Staff recommends the applicant be granted a six month time extension from June 10, 2000 until December 10, 2000.

c. Approve Second Request for Extension of Preliminary Plan Approval and Third Request for Extension of Recording of Final Plat: Roaring Fork Investments.

d. Sign Acknowledgment of Partial Satisfaction of Subdivision Improvements Agreement - Coryell Ranch and Midland Point Subdivisions.

e. Approve Second Request for Extension of Preliminary Plan Approval for the Rose Ranch Planned Unit Development

f. Approve the Acknowledgment of Satisfaction Subdivision Improvements Agreement for Cedar Hills.

g. Sign First Amended Plat of Sunlight Parkway, Part of Sunlight View Subdivision.

h. Approve Renewal Liquor License: Catherine Store

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items b - h; carried.

REGULAR AGENDA

HUMAN RESOURCES ISSUES

New Position Classification

Human Resource Director Phyllis Lundy submitted the position description for Case Manager in the Department of Community Corrections. The new position performs supervisory and professional work supervising probation requirements on offenders who have been referred to Community Corrections by the District Court Probation. Interviews probation referrals, monitoring compliance with court orders and taking action as necessary to respond to noncompliance. The position is classified as Grade F-G at 306 points. Todd Jonas is the individual currently filling this position.

Dale Hancock stated this is a cash funded position and will continue to self-fund.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve of the new position, grade and points as submitted by Phyllis Lundy Human Resources Director; carried.

Todd Jonas provided the Board with a short presentation and submitted a handout on the accomplishments to date.

288 clients paying \$35.00 per month; day reporting; urine tests; audits weekly with David Snarley - Probation Department. Todd is seeing 8 - 12 clients per day. All these fees paid by clients. District Court continually sending cases to this program.

This can be in addition to jail/workenders and only to this program. This is saving a lot of jail time. Todd Jonas sees each client at least once per month.

Consideration/Approval: Short Term/Long Term Disability Package

Phyllis Lundy submitted for the consideration of the Commissioners the request of the Personnel Committee to approve a Short Term Disability Policy for employees working more than 30 hours per week to replace the 20 days of extra sick leave that the County currently provides to employees in need. In going out for bids on a combined Short Term and Long Term Disability policy, Phyllis discovered that one provider not only offered the County a good price on the combined policies but also offers an EAP -

County's Alcohol and Drug Abuse Policy states that the County maintains an Employee Assistance Program (EPA).

The amount the County pays currently for Long Term Disability. The current policy of paying employees in need for an extra 20 days of Major Sick Leave costs us about \$10,000/year (covers about 4 people per year and creates a huge liability for the County) for a total of \$78,653.00/year. Currently the County does not have an (Employee Assistance Program) EAP.

By changing carriers from Standard Insurance to Unum, we will pay \$75,025.00/year and receive all three programs - Long Term Disability, Short Term Disability, and an Employee Assistance Program.

The new policies could take effect as early as August 1, 2000 if a decision is made today.

Phyllis submitted a cost analysis summary of the various bidders. This is a 3,628.00 savings. This will be in effect until January 1, 2003.

A motion was made by Commissioner McCown and seconded by Commissioner to pursue the contract with Unum Insurance for Long Term/Short Term/EPA coverage for the Garfield County Employees beginning August 1, 2000.

Discussion was held.

Motion carried.

PERSONNEL MANUAL

Phyllis Lundy presented the newly revised Personnel Manual to the Board.

The Garfield County Turnover Report was reviewed by the Board.

Phyllis stated there was an 18% turnover for 2000.

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS

REQUEST FOR APPROVAL: CERISE RANCH SUBDIVISION PRELIMINARY PLAN. LOCATED: PORTIONS OF SECTIONS 29, 32 & 33 T7S, R7W, GARFIELD AND EAGLE COUNTIES. APPLICANT: CERISE RANCH/WINTER GREEN HOMES, LLC

Senior Planner Jeff Laurien, Attorney Tim Thulson, Douglas Pratt and County Attorney Jim Leuthueser were present.

Jim questioned the applicant as to notification of adjacent property owners, mineral land owners, building subject conversions, public lands. Posting was stated to be according to the requirements.

Jim Leuthueser stated to the Board the provision for municipalities within 2 miles of the proposed must give notice and provide 21 days in which they may file comments. The Town of Basalt was not given that full 21 days. They have since been notified, but they were not timely notified. This is a separate statutory requirement. The plan for remedying that is as follows: We would suggest that the Commissioners proceed to hear the presentation of the applicants; however, because the Town of Basalt has not yet had an opportunity for its input, they suggested that the public part of the hearing, the input, not be closed today. Rather this would be continued to day past the 21 day limit so the Town of Basalt's input could be received and considered.

Tim Thulson provided the Commissioners with a written letter agreeing to the delay. They did a flagpole annexation that put them within the 2 mile radius. The applicants wants to proceed with the hearings.

Wintergreen wants to remove on this and begin selling these lots.

August 7, 2000 - continued until for the Public Input session.

The Board did not have a problem with the continuance, determined that posting was adequate.

Chairman Martin swore in the speakers who wished to give testimony in this hearing.

Jeff entered the following Exhibits: Exhibit A - Green and White Certified Mail Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Subdivision Regulations of 1984 as amended; Exhibit E - Garfield County Comprehensive Plan of 1995 for Study Area 1; Exhibit F - Applicant's Submittal; Exhibit G - Staff Report with all Attachments; Exhibit H - Access Permit from CDOT which we just received within the hour; and Exhibit I - Letter from Wintergreen Homes, LLC dated July 10, 2000 regarding an extension of time period for consideration of the Cerise Ranch Preliminary Plan.

Jeff stated this is a Preliminary Plan Review of the Cerise Ranch Subdivision by Wintergreen Homes on a parcel of 301.520+/- acres located five (5) miles east of Carbondale on the north side of Highway 82. The proposed sewer is ISDS - a secondary treatment will be supplied; and a shared well (Willow well). Jeff called attention C-DOT access.

Applicant: Douglas Pratt - Design Studio; Art Clindsdon; Joe Hope High County Engineer; Water Engineer Bob Zanella; and Dennis Cerise present property owner and applicant were present. The report is a product of many meetings with the staff; the impacts are more than adequately met; they agree to all of the conditions, and asked for approval.

The Commissioners inquired as to the Carbondale Fire Department's regulation of houses over 3600 sq. ft. have sprinkler systems.

In compliance with the Fire Department in Carbondale, houses over 3600 sq. ft. will have sprinkler systems. For those houses under 3600 sq. ft. will be up to the landowner of the lots as to whether or not they put in sprinkler systems.

Joe Hope provided the Board with the ISTS (Individual Sewage Treatment System). He provided the Board with information as to how the system works saying there is a series of three chambers and a storage tank; system comes in and moves from tank A - B; pumps water between the two pumps until it is treated and into a field. The benefit is that this is much higher in quality. There is a phone dialer and if any failure, it is automatically called in and repaired. Covenants provide that the homeowner is responsible for having a maintenance on-site. Monitoring wells will not be installed. There is an 6-month inspection to insure meeting the requirements.

The protected covenants provide that a Class D inspector be on site; and it includes all remedies, even to shutting off their water if non-compliant.

This is not the Mid-Valley Service District; it ends at the Garfield County/Eagle County Line but does not cover the Cerise Ranch.

Public Input

Glenn Hartman, Town of Basalt stated that he had received the letter and appreciates the time for review. He has briefly visited with the Town Trustees and they have set a hearing on July 18 and will submit findings to the Commissioners.

Denny Cerise - stated this is a family decision; he's very comfortable; they have worked for 3 years in developing this ranch; and concluded that ranching no longer a viable means of income. He added that his brothers are in agreement; one had a stroke and another a heart attack. They are in agreement that they need to do something differently.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this until August 7, 2000.

**REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING.
LOCATED: APPROXIMATELY 17 MILES NORTHWEST DOTSERO ALONG COUNTY ROAD
150. APPLICANT: CADE BENSON**

Cade Benson, Don DeFord, and Planner Greg Butler were present.

Don DeFord reviewed the notices, verified the manner of securing the adjacent landowners, public land owners - Forest Service and advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Greg admitted the following Exhibits:

Exhibits A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Garfield County Zoning Resolution; and Exhibit E - Project and Staff Comments

Chairman Martin admitted Exhibit A - E.

Greg stated this is a Special Use Permit - Accessory Dwelling Unit provided for staff during the seasonal use of the Flattops Gateway Ranch.

Recommendations were given by the staff to be included in the Resolution of Approval if the Board approves the request. They are as follows:

Staff recommends approval, with the following conditions:

1. Comply with Section 5.03.21 of the Garfield County Zoning Resolution, 1978 as amended.

2. This modular unit will comply with the regulations detailed in the Minimum Application Requirements for Mobile Homes and those regulations found to be pertinent in UBC, UMC, UPC (1994-5) for one and two Family Dwelling. Copies are available at the Building and Planning Office. In general, all living facilities will have operable toilets, bath/shower and meal preparation appliances.
3. A maximum of ten people can be housed in this unit and still fall under the R-3 guidelines for a residential unit. If more than ten people are housed in this unit the R-1 guidelines of apartment building takes precedence.
4. This modular unit is for the sole purpose of housing seasonal staff. Any violation of the terms, interpretation or agreements made or represented to Garfield County by the applicant pertaining to or included in this special use permit shall be considered a breach of the terms of condition by the applicant and property-owners.
5. The well permit that the applicant has expired on 16-Aug.-'96. Before the applicant receives a building permit they will need to show evidence of a positive water source that meet the following criteria:
 - i. That a four hour pump test be performed on the well to be used;
 - ii. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - iii. The result of the four hour pump test indicating the pumping rate in gallons per minute and information showing down draw and recharge;
 - iv. A written opinion of the person conducting the well test that this well should be adequate to supply to the number of proposed lots;
 - v. An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - vi. The water quality be tested by an approved laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids.
6. This modular unit is for the sole purpose of housing seasonal staff. If guests are housed in the modular unit it is no longer an Accessory Dwelling Unit but a Resort and the owners will have to obtain a permit to engage in resort activity. Resorts do not appear to be permitted in this area.

A motion was made by Commissioner McCown to close the Public Hearing. Commissioner Stowe seconded; motion carried.

Motion made by Commissioner Stowe to follow staff's recommendation in granting the Special Use Permit for an Accessory Dwelling Unit for Cade Benson on the Flattops Gateway Ranch. Commissioner McCown seconded.

Commissioner McCown asked to amend the motion to also include, once the ISDS permit is pulled, if it not of adequate size to accommodate this type of facility, that it be sized to meet the requirements.

Commissioner Stowe amended his motion. Commissioner McCown amended his second. Motion carried.

**SECONDED AMENDED PLAT FOR AREA TWO FILING FOR OAK MEADOWS RANCH.
APPLICANT: OAK MEADOWS DEVELOPMENT COMPANY.**

Ralph Delaney and Attorney Diana Delaney were present.

Don DeFord questioned the applicant regarding notices, publication and posting and determined that the Board was entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean presented the map colored to give the Board an indication of the area to show the lots affected by this amended plat.

Diana Delaney explained the Oak Meadow Homeowners Agreement with these lots being vacated and converted to be common area.

Don reviewed the proposed changes on the submitted amended plat. He asked questions regarding Omsco. Diana stated as the lots are sold, these will be transferred to Omsco.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the amended conditioned upon the final plat reviewed by the Building & Planning Department and the County

Attorney; carried.

PUBLIC MEETINGS:

REQUEST FOR SUBDIVISION EXEMPTION APPROVAL. LOCATED: APPROXIMATELY 3 MILES SOUTHEAST OF GLENWOOD SPRINGS OFF OF WOOD NYMPH ROAD WITHIN THE LOS AMIGOS RANCH PLANNED UNIT DEVELOPMENT, FILING 6. APPLICANT: LOS AMIGOS RANCH PARTNERSHIP

Tim Thulson for the applicant, Greg Butler, and Don DeFord were present.

Don reviewed the notices with the applicant representative Tim Thulson.

Don advised the Board they were entitled to proceed.

Tim presented the plan showing the proposed split of a 670 acre tract into four (4) parcels of 7.40 acres, 5.73 and 5.70 acres and a remainder parcel of 651.17 acres. Water will be provided by the Los Amigos Homeowners Association and sewage will be treated by the Spring Valley Sanitation District. Access will be off of Wood Nymph Road through the Los Amigos Ranch Subdivision.

Recommendation:

Staff recommends approval of this application provided the applicants can demonstrate that there is a valid preliminary plan and with conditions 1 - 9 as follows:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, 25 ft. wide accesses to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation access or utilities.
3. The applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.
4. The applicant shall submit \$600 in School Site acquisition fees for the creation of the exemption parcels prior to approval of the exemption plat.
5. The applicant shall obtain the necessary driveway permits prior to issuance of any building permits.
6. The applicant shall comply with the 1978 Garfield County Zoning Resolution as amended and the Colorado Department of Health standards.
7. Prior to the approval of an exemption plat, the applicant shall amend the Los Amigos Ranch PUD zone district text to allow for access roads in the Open Space zone. Additionally, a final plat for Filling 6, with the appropriate easements will be recorded.
8. Prior to the approval of an exemption plat, the applicant shall amend the Los Amigos Ranch covenants to include the proposed lots as members for the purpose of paying their proportionate share of the water service costs and road maintenance costs.
9. That the following plat notes shall appear on the Final Exemption Plat:
 - "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."
 - "No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."
 - "All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."
 - "The driveway easement maintenance responsibilities must be shared equally amongst the three exemption lots."
 - "No further divisions by exemption from the rules of Subdivision will be allowed."
 - "Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical

fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

A motion was made by Commissioner McCown to approve with conditions and excluding the first paragraph in Condition 7; and scratch "Additionally" in the same. Commissioner Stowe seconded the motion. Motion carried.

REQUEST BY THE TOWN OF SILT TO HAVE WESTERN SLOPE AGGREGATE SPECIAL USE PUBLIC HEARING INVALIDATED

Building & Planning Director Mark Bean, Mayor of Silt Thomas Oeltjenbruns, Town of Silt Attorney Karen Sloat, Trustee Brian Brown, Davis Farrar, Town of Silt; and Glenn Harsh for the applicant were present.

Don introduced the issue and submitted a copy of the Statute 30-28-138 Referral to Municipality.

Karen Sloat - Commented that Silt Town Board was given 2 days notice. The Board of Trustees would like an opportunity to comment.

Additionally, the Letter to Chairman John Martin, Board of County Commissioners from the Town of Silt Mayor Thomas Oeltjenbruns dated July 3, 2000 was submitted. The letter stated the Silt Board of Trustees learned that the Board had already approved the Special Use Permits application of Bill Roberts on June 19. The concern is that the approval of this SUP allows the operation of a gravel pit within approximately 1500 feet from the edge of our Town limits. County staff hand delivered a copy of the application and related materials to Town Administrator Craig Ohlson on Thursday, June 15, for the Commissioners' meeting only two business days later. Although Town Planner Davis Farrar worked over the weekend to prepare written comments and concerns, persons who attended that meeting reported that most of those concerns were not addressed specifically. The Board of Trustees, the Town staff and the Town consultants had no adequate opportunity to comment or appear at the meeting.

The concern is about the short notice received. They stated they should have had more time to review and consider the application. Therefore, based on C.R.S. 30-28-138 the request for the reopening on the hearing on this special use permit is submitted.

Karen Sloat requested a copy of the application, a rehearing; and the staff report.

Glenn Harsh commented that this request today is basically identical to the previous request of June 20 where they requested a delay. This was considered by the Board and denied. This is redundant. Secondly, Glen stated he would like to bring this issue into perspective. The Issue is not over adequate notice, it is whether or not there was a statutory referral. Glen presented a summary of notices that went out with regards to this gravel pit.

It is very difficult for the Town to come today and argue they didn't have sufficient notice to prepare comments. A list of the 10 times the Town of Silt was notified was submitted. March 15 the geologist notified the Town and would have put them on notice. The property was posted for minerals and geology; 4 publications with regard to this pit; the Special Use Permit was legally noticed in the newspaper. The negligence of the legal department not reading public notices was at fault.

Mr. Harsh maintained that the Town of Silt was notified; referenced the Statute stated this clearly identifies that if it is within one mile. He further argued that in regard to other Legislative Statutes on referrals, especially the one in which business that is of an unwholesome manner, offensive, etc. then this requires referral, 31.15.501 (d). He went on to give the list and added that if any of those businesses are proposed within one mile of the Town. A gravel pit is not included in those specific businesses requiring the County to refer.

Karen Sloat asked the Board of County Commissioners for reconsideration. She said they believe they are within their rights; they believe that this gravel pit can be offensive.

She again referenced the neighbors not being notified, not noticed or given an opportunity to be heard. Discussion was held with respect to the Legislative Statutes, the one mile limit, neighbors that are adjacent property owners and the regulation requirements for Special Use Permits. The letter of Davis Farrar was re-reviewed (originally presented at the June 20, 2000 hearing and it was identified as an Exhibit).

Don stated the regulations for a SUP is "adjacent property owners".

Don requested the file present to verify adjacent property owners.

Those giving public input included:

Ruth Mollman, Dave Nicholson, Jeannie Long, Bill Bradford, Brian Brown, Frederick Locke and Ann Nicholson.

Don DeFord commented there were two distinct issues - landowners and the Town of Silt. He added that he and Mark need to check with the Assessor's Office.

Glenn Harsh commented that he did a diligent search following land use codes. He realizes the Board may want to search and clarified. Neighbors today read it in the paper; but did not read about the SUP.

Glenn asked this request by Silt be rejected. He recommended denial of their request and agreed that the County verify the allegations of property owners claiming they were adjacent landowners. He again commented that he operated under the SUP requirements.

Commissioner Stowe made a motion to deny the request of Silt. Commissioner McCown seconded.

Chairman Martin stated the trust between the governments and the understanding of mutual cooperation would be of concern to him. He added that he believed the issues of concern to the landowners and Town of Silt were addressed in the conditions of approval and that these should be forwarded to Silt.

Commissioner McCown mentioned that he knew the reputation of Bill Roberts and his operation in the other end of the County.

Call for the Question

McCown - Aye; Stowe - Aye; Martin - Opposed.

Don DeFord commented he would get the information back to the Board and suggested the issue be placed on the Agenda for next week.

Re-Award Pickups for Road and Bridge and Sheriff

Ed stated this was a procurement item that was caused by timing of production at the factory.

Tim Arnett presented the justification/background to the bids that were awarded to John Haines.

Tim requested the award be given to Berthod's for year 2001 Pickups.

The award price to John Haines for 2000 pickups and the re-award for Berthod Motors for year 2001 pickups were reviewed.

Tim stated the bid from Berthods was the low bid of \$134,662.00. There is a \$5,500 short fall in the budget due to this change. He added that in order to receive these pickups in 90 days, the order will need to be placed as soon as possible.

Tim stated that the roll bars and items that are attached to the pickups were already purchased and can be used with the Berthod's pickups.

The Board requested that Tim notify Berthod's that they will not get an extension.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the re-award to Berthods for the 5 pickups for \$134,662.00 with the condition that the order could be filled within the 90 days as proposed.

Discussion.

Amendment to the motion - The extra \$5,500 will be handled as a supplemental in the budget.

Commissioner Stowe amended his motion; Commissioner McCown amended his second.

Motion carried.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until Thursday, July 13, 2000 at 7:00 P.M.; carried.

Attest:

Chairman of the Board

JULY 17, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 10:00 A.M. on Monday, July 17, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 10:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Employee of the Month for July 2000

Wendy Mead, Road and Bridge Administration - integral part of R&B staff - takes on new assignments - learned the access database program for R&B and shared knowledge with other County employees.

On-Call Engineering Services Contract: Burlstone, Inc.

Tim Arnett - amount not to exceed \$40,000

Larry - motioned to approve the on-call engineering services contract with Burlstone, Inc. on a special need basis, amount not to exceed \$40,000 and the Chair be authorized to sign; Walt seconded; motion carried.

Award Chip & Seal Contract

Tim Arnett and Tom Russell were present.

Tim - received two bids from Harry Heavy Haulers (\$148,342.64) and GEMCO

Chairman Martin - roads to be covered (210, 221, 224, 117, 320) shoulders, patching and overlay - can all these jobs be finished this year - last year ran out of time.

Tom - this year plan to have them ready - September 1 is completion date.

Larry - made a motion BOCC approve the contract with Harry's Heavy Haulers, Inc. in the amount of \$148,342.64 for chip and seal and the Chair be authorized to sign; Walt seconded; motion carried.

Landfill Issues

Chairman Martin - the issue on the landfill was the big sign that shows the layout of the landfill.

Tom Russell - map of the landfill will be moved to make it easier for the customers.

Other Road & Bridge Issues

Tom Russell - asked if BOCC had time to review memo re: chip/seal budget and money for other chip/seal jobs - these are in addition to the chip/seal contract just awarded - will use budget savings

Chairman Martin - CR 320 is one of the most pressing - if there is the time - do it - stay within the budget.

Larry - is there money in the budget to do all this without a supplemental? - yes.

Walt - made a motion to go ahead and do the supplemental chip/seal award in the amount of \$51,460.00 for County Roads 210, 221, 224, and 117 and the overlay on 320, total cost \$113,613.00 which is within our budget; Larry seconded.

Larry - didn't think the dollar amounts should be included - asked Walt to withdraw numbers because they are estimates.

Walt - withdrew dollar amounts from motion; Larry seconded amended motion; carried.

Tom Russell - presented a set of contracts from the US Forest Service to place mag chloride on County Road 245 (Buford Road) - it's been put on - amount of contract \$2,000.

Larry - made a motion the BOCC approve the contract with the National Forest Service for magnesium chloride on County Road 245 in the amount of \$2,000; Walt seconded; motion carried.

Randy - County Road 109 - it's being paved - shoulders, striping and guard rail need to be done.

Receipt of Additional Capital Funds

Jesse - in 1980 the County refinanced, through the Colorado Housing and Finance Authority, 1980 Series A single family mortgage revenue bonds - five questionable loans required a hold-back fund in the amount of \$176,902.00 - four loans were cleared in 1994 and County received \$64,446.00 - the balance was held in the hold-back fund - was just cleared last week - wire transferred to the County and deposited in capital account \$153,321.00.

Ed - it's a windfall that takes care of half of our riding arena problem.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update:

Asked for Executive Session to discuss current litigation involving TeKeKi/Park Logging (Intermountain Resources); and Archuleta litigation; personnel issues, planning department.

EXECUTIVE SESSION

A motion was made by Commissioner McCown to go into Executive Session to discuss TeKeKi/Park, Archuleta litigation and personnel issues; seconded by Commissioner Stowe.

Don - requested Ed Green, Mildred, Mark Bean, Jeff, Janice, and BOCC be present for Executive Session.

Walt - motioned to include Mark Bean, Jeff and Janice in the personnel issues; Larry seconded; amended motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Direction to Staff

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize Special Council - Josh Marks to be the attorney for Springridge PUD Filing II; carried.

Larry motioned that on final advisement on planning review, technical information, deriving from subdivision applications that the County Engineer would be the individual that we would receive final advisement from on technical issues; Walt seconded; motion carried.

COMMISSIONER REPORT

Larry -

7:00 a.m.- July 18 - here, City/County Mtg. (Engineering, Mr. Green, Tom, Don DeFord)

July 19 - Noon - Wednesday - Rifle

July 20 - County Picnic - Thursday 11:00 a.m. - 2:00 p.m.
July 21 - 8:30 a.m. - Friday - National Recognition for the.... trail project
July 24 - Monday - regular meeting
July 25-26 - Tuesday & Wednesday - Board of Equalization
July 27 - Thursday - 1:00-4:00 p.m. - Grant Review Committee

Chairman Martin -

July 19 - evening - open house - BOCC invited to meet two new doctors for Grand Valley Medical Clinic
July 23 - BOCC invited to picnic - Grand Valley Citizens Alliance
July 26 - Wednesday - 2:00-6:00 p.m., Silverthorne, CDOT MIS I-70 project

Ed Green -

July 25 - 2:00 p.m. - Kenny (at airport) - master plan kickoff

Walt -

July 19, Rural Resort Workforce Board, at their office, 10:00 a.m.-1:00 p.m., serve lunch
July 20, Thursday, feeding 900 bicyclists between 6:30 a.m.-8:30 a.m. at the high school

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Mine Shutdown Amendment

Chuck Ford - representing the Colorado Citizens Opposing the Unfair Shutdown Amendment - proposed by a group of folks in San Luis Valley - reacting to the spill from Summitville Mine some 20 years ago - on ballot this November - the group has no rationale - eliminate all gold and silver mining in open pits that uses cyanide leaching - the mine in question is in Cripple Creek and Victor - operated for five years - run by the Cripple Creek and Victor Gold Mine - no complaints - no violations - received awards from state, Federal and local governments for rehabilitation of aftermath - a zero release facility - the cyanide compound used in leaching practices breaks down in a matter of weeks and is no longer a deadly chemical - initiative targets one mine in one county - mine is 18% of county economy - provides 300 jobs directly, 800 jobs would go away if mine left, 1,000 jobs impacted by the mine - biggest employer in Teller County - loss would be a financial disaster - Amendment purports to grandfather in the mine, but what it really says is the mine can continue to operate on current permits, but they can't expand, one must dig to mine, expanding is necessary - every expansion needs a permit - another instance of highjacking the democratic process in the local government process through the state initiative - not valid for state initiative purposes - asking county commissions on an individual basis (covered about 9 counties in northwest quarter) to consider adopting a Resolution and signing on as an organization opposing this amendment - there is a statute that allows the Board to do this - but can't spend more than \$50.00 in supporting that position - simply asking for the use of the BOCC's name and the endorsement of the opposition - if this kind of amendment is allowed to go through, then any type of mining is at risk.

Chairman Martin - stated that Natural Resources Sub-Committee meets this Friday at Denver Mile High Center - CCI.

Chuck - 9 Counties - have agreed to sign on - 2 Counties - signed Resolution. 3 - pending final decision of County Attorney - some waiting to see whether it gets on the ballot - Thus far there are not enough signatures to get it on the ballot.

Road Maintenance on CR 167

Ken Kriz - 0483 CR 167 - requested feed back on the road maintenance.

Chairman Martin - hadn't had an official report - went out with Ken Gardner, Ed Green, and Tom Russell and looked at road - no progress reports.

McCown - it is a public road not a county road.

Nick Goluba - just came from Planning Department and checked the zoning - zoning below the road (between road and river) is Residential, limited suburban density - there is a commercial development going on in there with expansion with a non-conforming use where Holub's place was- there are 14 trucks, new garages, office building - problem with the road is there are dangerous conditions - two road cuts on Road 157 in the last few years - the last one was two years ago, big trucks come down at an angle in the winter, hit the road obliquely, pose a dangerous condition - it's a public road - lived there for 22 years - County had maintained road - special improvement district organized for this - there is a blind corner - road is over to the left side - neighbors planted trees and bushes - could be a serious accident if something isn't done.

Mark - Rakich property - affecting road drainage County gets concerned - otherwise a civil matter between property owners in terms if they move then change the historic drainage from where it was originally to a point where it affects another person's property - not one County can get in the middle of - County has no cut fill requirements in regulations to come up with drainage plans.

Chairman Martin - BOCC needs to instruct Steve Hackett to go down there and take a look and see exactly what's going on - other concern is the right-of-way - what do the citizens want to do - are we going to take that on as a County Road and maintain it and do the right-of-way that Larry has suggested.

Mark Bean - we can't force access.

Nick Goluba - solution is to make this a County Road - already went through the process, did the legal work, Ken paid for the engineering, road was designed - 85% of neighbors were signed up - at the hearing - the other 15% showed up and raised objections - everything went down the drain.

Ken - at that time there was a 60 foot right-of-way requirement by the County, but it was agreed that the County would accept a 40 foot of Right-of-way - there would be a 26 foot road and 3 foot ditches on each side - that's the way the Improvement District was set up - went to Mildred and got all the valuations, took percentages, did assessment.

Larry - if County accepted it as a County road and take over the maintenance - because of change in regulations, anything over 600 feet long has to have adequate turn around for fire protection.

Chairman Martin - on two levels this needs to be investigated - and a decision made.

Larry - asked Mark to pursue this with Tom at R&B - get back to BOCC next Monday.

Walt - suggested Ken and Nick come to next meeting - Monday, July 24, 2000, 8:00 a.m.

Garfield County Coroner

Trey Holt, Garfield County Coroner - had a coroner's call on May 15th - still have the person at the funeral home - the family does not want to have anything to do with the deceased - contacted the daughter - she was estranged from her mother for years - said do whatever you want to do - the husband is a transient around this area - did not sign any papers to either bury and cremate - husband will not or does not want to do either of the two - this is the problem - it was a coroner's case - but the County has it now - brought State Statutes that concern this - needed direction from BOCC.

Chairman Martin - sounds like a County burial.

Don DeFord - concerned with Section 30-10-618, his interpretation now and in the past is that the County is responsible for reasonable cost of burial in a situation like this - what is the reasonable cost?

McCown - donation to a medical facility for medical study?

Trey - not sure that they would take her - the safest is burial - not cremation - will check with the State Anatomical Board - this would be final.

Chairman Martin - does the City of Glenwood Springs have a place available through Rosebud Cemetery?

Trey - no cemetery in this area have potter's fields - checked to see what cemeteries might work with us - charges very minimal - less expensive than cremation.

Martin - no other options at this point - City of Glenwood Springs and/or Rifle - put it under indigent burials - document everything - take care of it.

Trey - will proceed and will document everything.

Larry - made a motion for Trey to proceed with burial of this Jane Doe individual keeping expenses within his bounds; Walt seconded; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Fire Ban Renewal Discussion

Don DeFord and Guy Meyer gave the report.

Larry - made a motion to renew the fire ban in place until at least the 14th of August and authorize Chair to sign resolution. Revisit - 11:45 a.m. - 8/14/00 - Walt seconded; carried.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Amended Declaration of Covenants, Conditions and Restrictions for Lacy Park Subdivision.
- c. Modification of Premises: Aspen Glen Golf Company
 - (1) Approve Liquor License
 - (2) Approve of New Manager
- d. Sign Final Plat for the Peaks at Aspen Glen, Phase No. 3 - Aspen Glen Golf Company
- e. Determine: Telecommunication Tower Visual Aesthetics Warrant Planning & Zoning Review
- f. Sign Grant Agreement: FAA Contract Number: DOT-FAOONM-12 - Update Layout Plan
- g. Sign Grant Agreement: FAA Contract Number: DOT-FAOONM-1032 - Construct Portion of Parallel Taxiway "A" including Connector Taxiway "A3"

A motion was made by Walt to approve the consent agenda items "b-g" as submitted; Larry seconded; carried.

Jesse - looked at four items in bills - reported - \$400,000 payment to Rifle for sewer and water - Jesse thought the water/sewer should be capitalized and charged back to future tenants at the airport just as if it was a water/sewer tap fee - recover those costs - Jesse will look into it.

A motion was made by Larry and seconded by Walt to pay the bills as submitted and reviewed; carried.

REGULAR AGENDA

PUBLIC HEARING: TWO ABATEMENTS - RIVER VALLEY RANCH, LLC.

Steve Rippy - take it just as it exists January 1st - this golf course wasn't completed until June of 1998 (the back nine) - we had this valued \$2 million higher than the Aspen Glen Course which was a finished course - from an equitable standpoint, we notified them of that in 1999 - what we have is the result of the difference in that valuation from the 1998 year. The number of abatements on a yearly basis is fairly consistent - range between 75 and 125 - most of those are small - mobile homes, personal property - person

reports his personal property incorrect - we come back and do abatements - anything over \$1,000 needs BOCC approval - typically on a dollar basis the numbers range between \$100,000 - \$200,000 in abatements - i.e. this year we're at \$114,000 out of \$35,000,000 taxes collected - work out to 1/3 of a percent - percentage wise minimal impact on overall picture.

Larry - made a motion for the BOCC to approve two abatements for River Valley Ranch LLC, the first one in the amount of \$32,998.80, the second one in the amount of \$20,945.04, and giving the Chair authorization to sign; Walt seconded Larry's motion; motion carried.

Steve - will submit a report to the Board showing the insignificance of these Abatements.

GARFIELD COUNTY REGIONAL AIRPORT ISSUES:

Discussion/Signing Indemnity Agreement regarding waterline

Carolyn Dalghren and Randy Withee presented the Indemnity Agreement - the County is being to asked to sign one and each individual tenant - the reason for the Indemnity Agreement is so that we can get the water pressure up to the airport and also right here at Fire Protection District - without that Fire Protection Building can't function as it's supposed to - CAS in their new building and the Flight Department in their new building cannot get their sprinkling systems up and running and CAS can't occupy its entire building - the Indemnity Agreement is because we will now be bypassing the 30,000 gallon tank and the water will come from the City of Rifle System - that means water handlers are a possibility - it means there will not be a steady flow of water - everybody at the airport and tenants do have their pressure relief valves in place - the expectation is that we're not going to have any problems - that's not a guarantee - which is why the City of Rifle wants everybody to sign Indemnity Agreements.

Larry - the whole reason that we do these annexations and encourage growth around municipalities is because of the utilities - if the utility provider asked everyone to sign an indemnification agreement that says they're not responsible for the utilities or what happens to a person's building, we may not be going in the right direction asking people to develop under those circumstances.

Walt - when we get the new tank in there, it won't be a problem.

Randy - the contract includes the new 600,000 gallon tank - the City of Rifle needs to decide the size of the tank (600,000 vs. 1,000,000 gallons) in order for Gould to order the materials - they can store water in the tank, painting might come later.

Carolyn - Kenny Maenpa had stated the need for the indemnification in order to have the Airport ready to open - he will have someone on site for 24 hours when the valve is switched - also a plumber will be on call.

Walt - if all we're waiting for is the tank that would solve Larry's problem about future services - even if we make it a year.

Larry - or amend agreement to say until the storage supply tanks are completed.

Carolyn - will contact Lee Leavenworth that the BOCC would like a drop dead date of January 1, 2001 or when the tank is ready, whichever occurs first.

Walt - made a motion that the Chair be authorized to sign the Waterline Agreement with the City of Rifle indemnifying them against the pressure variations with the amendments using January 1 or until the new tank is installed as a drop dead date, when the indemnification will expire; McCown seconded; motion carried.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

**CONTINUED: REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT FOR A KENNEL.
LOCATED: 1565 COUNTY ROAD 125, GLENWOOD SPRINGS. APPLICANT: WILLIAM
PINKHAM**

Don DeFord, Jeff Laurien, and William Pinkham were present.

Jeff - additional exhibits:

- J. Revised Staff report - sent out last week
- K. Additional well information - just distributed
- L. Additional information on the IS/DS and noise information - just distributed
- M. Letter from John Traul - provided by Chairman Martin - made copy for applicant
- N. Letter from Albert & Kathleen Bebin - provided by Martin - made copy for applicant

Chairman Martin - swore in all people desiring to give testimony.

Jeff - staff report - review of Special Use Permit to allow a kennel operation - applicant William Pinkham - location is approximately five miles southeast of Glenwood Springs off of CR 125 - dog kennel on site to house, raise and breed husky dogs for personal dog sledding and racing and a future tour business to be run off-site - 5 employees envisioned at peak of tour business - 1 employee will reside on-site to help with dogs - additional employee and 3 guides hired to help with tour business, not to reside on-site - hours of operation 8a.m.-5p.m., Sunday through Saturday - seven days a week - dogs housed in steel building overnight, but no operations conducted except from 8a.m.-5p.m. - night training and camping out have been proposed in application - if this occurs, must be off-site - any traveling to and from property must occur between 8a.m.-5p.m. - applicant proposing maximum of 40 dogs at any one time on premises once breeding is begun.

Recommendation:

Staff recommends **DENIAL** of the Special Use Permit for kennel based on the following:

The application is **not** in conformance with Sections 5.03 (1) (utilities (water and sewer) issue), 5.03 (3) (impact on adjacent property issue), 5.03.15 (1) (noise issue), 5.03.15 (2) (noise and filth issue), and 5.03.15(3) (sewer issue) of the Garfield County Zoning Resolution of 1978, as amended.

Applicant William Pinkham - response

1. Water issue - received approved contract from West Divide Water Conservancy - filled out application with State Engineers for new permit number - more water - 6 week process - will apply for commercial well permit.
2. ISDS Systems - HP Geotech doing perk and pit tests - information sent over to High Country, which is doing design for septic for dogs - will check distance between the leach fields.
3. Noise issue - Dave L. Adams Associates in Denver - will look into it.

Don DeFord - re: contract with West Divide, asked applicant whether he was in Area A or Area B - Applicant didn't answer.

Public Input

Bruce Wampler - Citizen's Exhibit 1, map of location - lives ½ mile from proposed kennel - opposed to the SUP for a kennel - open valley with no vegetation - similar to the mouth end of a megaphone - can hear people's conversations ½ mile away - a kennel on a hillside with direct view of the people in this subdivision - dogs can be heard howling at night now.

Jim Cargeski - resident of Springridge Subdivision - residential area - industrial and commercial - would hate to see this passed - Snowmass has a problem - a howling that goes for 15 minutes - Special Use - forbids any business from operating - BOCC to keep this a rural residential area.

Al Bevan - he and wife residents of Springridge - primary reason they moved there because it is quiet and peaceful - their main objection is the noise - sled dogs barking is intolerable.

Al Bevan also spoke for Mr. & Mrs. Miller and Dave Dussett, Siobhan Conway - Springridge. Skeptical of controlling the noise - 40 dogs howling in a metal shed.

Commissioners

McCown - good intentions - information is incomplete - nothing addresses the noise problem

Pinkham - nobody in valley willing/qualified to do noise study - David L. Adams from Denver to do study - in process of working together - looking into soundproofing - willing to do berm work - noise is a definite concern - aware of it - the main issues - water 1st and foremost - 2nd, septic, gotten the test done and a plan drawn up - 3rd, noise - he is working on this.

McCown - sewer and ISDS issues - never heard of this requirement before - don't deal with kennels every day - animal waste due to the requirement of health department.

Jeff - not a specific kennel issue - two ISDS systems on one lot, each using up to 1,999 gallons per day, leach fields must be separated by minimum of 344 feet - didn't know sensitivity to perk test.

Applicant: reiterate - he was to keep pursuing and has made every effort - wasn't asked to have the septic issues in nor to have the noise impacts - no one was here last meeting - the property that neighbors live on is at least 1 mile away - very willing to address these concerns - commercial use is not in his application - he will raise the dogs first - use of the dogs from outdoor use is in the future - commercial use will not make him money - property is 40 acres and he's pursuing the 120 acres next to him.

McCown - borders on the BLM property - no.

Stowe moved to close Public Hearing; McCown seconded, carried.

Stowe - moved that in the request for a special use permit by William Pinkham, BOCC support staff's recommendation and deny this permit at this time; seconded by McCown.

Discussion

Stowe - the information is incomplete - noise abatement, primary issue - professional analysis would have been helpful - this is a commercial enterprise - will be raising, rearing, and selling dogs - running sleds and sled teams - in residential area performing commercial business.

McCown - agreed - report incomplete - sound restrictions - Garfield County is a "Right to Farm" county - admires him for his goal - now there is lack of evidence.

Motion carried.

Pinkham - not sure where he failed - will resubmit - his lawyer/planner was not here today.

REQUEST FOR SPECIAL USE PERMIT FOR INDUSTRIAL OPERATION. LOCATED: APPROXIMATELY 4 MILES NORTHWEST OF HIGHWAY 13. APPLICANT: STEVE WILSON

Don DeFord, Steve Wilson, and Karen Wilson were present.

Don reviewed the noticing requirements of noticing and publication and advised the Commissioners applicants had not notified BLM.

Board required re-noticing and re-setting the hearing.

Chairman Martin - motion is to reset hearing for improper notification

Don - Daily Sentinel was used for publication - was adequate - but The Citizens Telegram is more appropriate and was suggested.

Jeff - Hwy 13 - C-DOT to be notified as well. - information given to - C-DOT was aware by permitting an access permit and will be okay.

Walt - remember to re-notice everybody else.

REQUEST FOR PRELIMINARY PLAN APPROVAL OF THE EAGLES NEST TRACT A SUBDIVISION. LOCATED: ASPEN GLEN. APPLICANT: THE COTTAGES AT EAGLES NEST, L.P.

Don DeFord , Larry Green, and Mark Bean were present.

Don reviewed the noticing requirements and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers who wished to give testimony.

Mark Bean submitted the following Exhibits:

Exhibit A - Proof of Publication

Exhibit B - Returned Receipts

Exhibit C - Application

Exhibit D - Project Information and Staff Comments

Exhibit E - letter from Carbondale Fire Protection District

Exhibit F - letter from Colorado Geologic Survey

Exhibit G - letter from Roaring Fork RE-1 School District

Exhibit H - letter from Division of Wildlife

Exhibit I - appraisal of property done by Mike Lowry, Columbine Appraisals

Exhibit J - Garfield County Zoning Resolution of 1978 as amended

Exhibit K - Garfield County Subdivision Regulations of 1984 as amended

Chairman Martin entered Exhibits A-K into the record.

Mark:

Site Description - stated this is a Preliminary Plan for Eagle's Nest - Tract "A" at Aspen Glen on a 2.881 acre parcel located approximately two miles northeast of Carbondale off of C.R. 109 and State Highway 82, within the Aspen Glen development.

Project Description - proposed to split a 2.881 acre tract into 8 detached single family lots - each lot contains a building envelope - ninth common lot for parking - access to lots via walkways through common lot - water and sewer provided by Roaring Fork Water and Sanitation District.

History - in December 1998, BOCC approved subdivision by Resolution No. 98-107 - owners of property did not submit a Final Plat w/in one year of Preliminary Plan approval - Preliminary Plan approval no longer valid - must be reviewed again by Planning Commission and BOCC.

Applicant Input

Larry Green, attorney for the Cottages at Eagles Nest, LP, also the attorney for the Aspen Glen Golf Company - authorized to make representations by Aspen Glen - original owners' attention diverted to other projects - allowed the Preliminary Plan to lapse - plan presented today is essentially the same plan approved in 1998 for the parcel - minor adjustments to reorient building envelopes - one difference, parking area extended to address fire district concerns - for traffic flow - will ask security people at main gate house (there 24 hours) to count the traffic in and out of Aspen Glen - believes count will demonstrate to staff that Aspen Glen will not warrant signal on Hwy. 82 - Bike Path, obligation of Aspen Glen - Aspen Glen rough graded bike path a year ago - Louis Meyer expressed concern for safety - how does ones intersect bike path with County Road at two ends - no solution yet - met with trails group to explain design and safety issues - the trails committee will come back with a suggestion - Aspen Glen committed to building bike path in accordance with conditions of approval on Aspen Glen PUD - may mean that north end is not connected to County Road.

Don DeFord - requirement of County Commissioners Zoning Resolution that a staff member does not have authority to waive, so this issue must be brought before the County Commissioners.

Larry Green - never intended to waive anything - previous County Engineer involved to make County staff aware of the concerns - County officials have been out by site - aware of what's going on with bike path.

Public Input

None

Commissioner Comments

Larry McCown - had a question on No. 3 Recommendation - the expansion has taken place.

Walt - moved to close public hearing; Larry McCown seconded; motion carried.

Recommendation:

The Planning Commission recommended **APPROVAL** of the proposed Preliminary Plan subject to the following conditions of approval:

1. All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.
2. The applicant shall pay a per lot in School Site Acquisition Fee prior to the approval of any Final Plat, based upon the requirements in Section 9:81 of the Garfield County Subdivision Regulations of 1984, as amended.
3. As a part of the Subdivision Improvements Agreement at Final Plat shall provide for an expansion of the parking lot for the clubhouse, for fire protection services.
4. The following plat notes shall be included in any Final Plat:
"Certain building locations may be subject to geological and hydrologic hazards. All structures shall require the submittal of an engineering report addressing soils and geology conditions, foundation design and drainage prepared by a registered professional engineer. All site development, including building construction, shall be conducted in accordance with engineer's stipulations."
"No open hearth solid-fuel burning fireplaces will be allowed anywhere within Aspen Glen."
"All dwelling units will be allowed an unrestricted number of natural gas-burning fireplaces and appliances."
"All dwelling units will be allowed no more than one new wood-burning stove as defined by C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder."
"Only one dog is allowed for each dwelling unit."
"There are bald eagle protection restrictions in place for the Aspen Glen PUD, which have seasonal restrictions and area closures regarding the eagle's nest. A copy of the 'Protecting the American Bald Eagle at Aspen Glen' brochure will be provided to all Aspen Glen property owners."
"All outside lighting will be downward (down lighting)."
5. Prior to submission of a Final Plat, the Applicant and the Aspen Glen Golf Partners, Ltd. will provide the County an analysis of the need for a warrant to install a traffic signal at the entrance to the Aspen Glen PUD off of Highway 82 *and the assurance that the bike path along CR 109 will be completed as originally agreed to in previous subdivision improvement agreements.*

McCown - made a motion to approve the proposed Preliminary Plan giving the conditions of approval 1, 2, 4 & 5 as listed in staff packet, and delete portion of #5 "...and the assurance that the bike path along CR 109 will be completed as originally agreed to in previous subdivision improvement agreements."; Walt seconded.

Discussion

Chairman Martin - remove condition #3 totally, and also remove part of #5 related to bike path - we have assurances from attorney for Aspen Glen that bike path will be done.

Don - the representation that arrived in Don's office is that the bike path would not be completed.

Larry Green - addressed - late October - determined at own risk that it would not be completed in Fall 1999.

Don - trails committee has called - when will Aspen Glen come back before Board on bike path issue?

Larry Green - will complete bike path as presently obligated to do by the end of this construction season or prior to that be back before the Board with a suggested alternative.

Motion carried.

REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATED: 0534 COUNTY ROAD 100, EAST OF CARBONDALE. APPLICANT: TIMOTHY NIESLANIK

Don DeFord, Mark Bean, Paul and Celia Nieslanik, and Dan Kerst, attorney for the applicant, were present.

Don determined that adequate and proper posting and notification were in order and advised the Board they were entitled to continue.

Chairman Martin - swore in the speakers.

Mark Bean - presented the following exhibits:

Exhibit A - Proof of Legal Notification

Exhibit B - Return Receipts

Exhibit C - Application and attachments

Exhibit D - Garfield County Subdivision Regulations of 1984

Exhibit E - Project Information and Staff Comments

Chairman Martin admitted Exhibits A - E into the record.

Mark - applicant is proposing to split a 37.102 acre parcel into two parcels of approximately 2 and 35.102 acres each.

Recommendation

Staff recommends **APPROVAL** of this request for an Exemption from the Definition of Subdivision with the following conditions:

1. All school site acquisition fees will be paid and a copy of the receipt made part of this file.
2. Impact Fees as outlined by the Fire Protection District in their letter dated 5 Apr 2000.
3. That 0.06 cfs (25 gpm) is dedicated to the property to insure that the domestic and lawn irrigation water uses can continue to be fully supported.

Dan Kerst - water has been conveyed to the owner of the property.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; motion carried.

Commissioner McCown - made a motion BOCC approve the exemption from the definition of a subdivision regarding Timothy M. Nieslanik with the conditions and recommendations of staff 1, 2, and 3 as presented in the staff packet; Stowe seconded; motion carried.

OTHER ITEMS

Chairman Martin - need a decision on Consent Agenda item "e" - Determine: Telecommunication Tower Visual Aesthetics Warrant Planning & Zoning Review

McCown - made a motion that P&Z hear this item; Stowe seconded; motion carried.

EXECUTIVE SESSION

McCown - moved that BOCC go into an Executive Session to discuss property acquisition, Intersection 116/117;

Stowe - seconded and wanted to discuss command sequence orders of personnel;

Chairman Martin - people required, engineer, Don DeFord, Mr. Green;

Motion carried.

McCown - moved that BOCC come out of Executive Session; Stowe seconded; carried.

Recess

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until 7:00 A.M. for the Joint City/County Meeting with Glenwood Springs; carried.

Attest:

Chairman of the Board

JULY 24, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 24, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green, County Attorney Don DeFord, Building and Planning Director Mark Bean and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

a. Ken Kriz - 167 Road - Coryell Road

Ken Kriz, Nick Goluba and Mark Bean were present for the continued discussion.

Mark said that Code Enforcement Officer Steve Hackett is on vacation, otherwise he would be here to report his findings. Mark reported that Steve had been on-site and investigated the concerns previously cited and discussed: commercial development; drainage ditch problems; valid permits for building and remodeling; and road repairs.

Mark said there is a permit for buildings, that are on the property, of concern. The elevation is a foot over the road and there will be a drain problem onto Road 167. This is a nonconforming use. Mark added that there will be inspections of the remodeling; and that there may have been some work that was not permitted.

Ken was concerned about the expanding traffic issue with all the commercial on that road.

Commissioner Stowe commented that when Steve Hackett returns from vacation, he will contract Ken and Nick and some of the concerns can be addressed.

Road and Bridge Director Tom Russell addressed the Coryell Road - Road 167.

Tom stated that there are some drainage problems, specifying the concerns as erosion and debris coming onto the road.

Ken stated there is close to 10 feet of fill placed at the end of the road.

Tom said he has begun to look into the situation. Road Supervisor for the Glenwood Road District Kenny Gardner and Tom looked at the road and reported to Mark. There is definitely some work that needs to be done on Coryell Road. There is a need for a turnaround.

Ken Kriz said that he would help identify the easements and help Tom in anyway he could to get this in place.

Commissioner McCown concluded the decision needs to be made as to whether the Commissioners were going to make this a County Road or leave it as a public road.

Commissioner Stowe mentioned that with commercial and residential on that road, he would like to make this a county road. He asked Tom to look into the issues: drainage, 40 foot easements, etc. High commercial activity would certainly warrant looking into the cost and he asked for a cost estimate to be prepared by County Engineer Janice Louchs and Tom. This project would be in the 2001 budget.

Tom mentioned there would be a need to relocate some telephone lines and power lines.

b. Discussion: Value Engineering Items Add-Back - Jail

Purchasing Director/Contract Administrator Tim Arnett gave a brief description of the items that were cut when Haselden did the original bid. Today is the notification date for the County to inform Haselden for adding back the items without incurring additional costs. The items and dollar values are as follows:

Items

Cost

Sally Port - Folding door vs. Rolling Steel Door - 20 foot wide.	\$34,895
Roof - Cut the mileage - cut to 11,000 from a 15 to a 10 year roof	\$11,315
Specified semi-hermetic screw compressor vs. semi-reciprocating chiller.	<u>\$10,000.</u>
Grand Total	\$58,490

Commissioner Stowe was in favor of the roof expense cost of \$11,000 but not on the Sally Port folding door.

Ed suggested to hold this in abeyance until more information is received from Haselden Construction.

Commissioner McCown was also in favor of the roof but not the others.

Tim mentioned he was going to Grand Junction this week and he would look into what Mesa County used for their Sally Port.

Tim was given direction by the Commissioners to eliminate the folding Sally Port door and the semi-hermetic crew compressor versus the semi-reciprocating chiller.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the additional 5 years on the roofing material for \$11,315; carried.

c. Dave Silviesu - Baylor Blow Down.

Road and Bridge Director Tom Russell prepared a memorandum to the Commissioners regarding the conversation with Dave Silviesu about the Baylor Blow Down. In June 2001, the White River National Forest will have private contractors haul all the timber out of the Baylor area. The timber needs to be transported on CR 117 (Four-Mile Road). The conversation included a discussion about the East Divide Creek route and this was considered as not being cost effective for the Forest Service. Tom gave the County requirements for this hauling operation. Since it is on Federal land, no special use permit can be issued.

The concerns that would affect the County are:

Day and time for hauling

Ski area events and coordination

Legal weight limits

Video taping road, prior and after hauling

Assessing an impact fee and how much

Inform residents along the Four-Mile corridor

Signage and traffic control

Tom stated they need to protect the County Roads. They anticipated loads would be 6 - 12 per day for four months that would total approximately 500 - 1000 truck loads for the total operation. He reminded the Commissioners of the blow down on the Buford Road and these concerns would also be applied to that project.

d. Hauling Timber - Buford Road

Tom Russell reported they will also be hauling blow down on the Buford Road.

Commissioner Martin suggested that New Castle and Glenwood Springs need to be informed that this traffic will be coming through; probably hitting Highway 82 one way or the other. Then it's going to have to find its way down through 7th Street or whatever in New Castle coming down Buford Road. This haul route was in some controversy, so they may have to be going through the new by-pass.

e. South Canyon Road

Ed mentioned that the cost to mag chloride the South Canyon Road would be \$57,000.

Tom stated this would save a great deal of maintenance.

Commissioner McCown stated that holding off until next Spring would be a better use of the funds.

f. CR 115 - Spring Valley Road

Tom stated they do maintenance on this road weekly. They are going to take some water up there, deluge it and see if they can get it to pack in a lot tighter. He added they may gain a lot by doing this - doing it every three weeks instead of weekly. Tom said there is plenty of gravel on the road. Kenny and Tom discussed this last week. Mag Chloride would help a lot to pack it down. Tom added this late in the year he wouldn't suggest the mag chloride; he would prefer doing the improvements next Spring and budget for it. This is 12 miles of road. The traffic counters are out now and will be placed on three portions of the road to see where the heaviest traveled portions are on that road; then address those areas first.

Commissioner Stowe added that both of the roads would be a high priority for us.

Tom added that he was going to tell the Glenwood road crew that when they grade it they have to have gravel on it. Otherwise, the dust is an issue and they are not gaining anything without the water.

g. Battlement Mesa - CR 301 was mag chloride and it is holding up very well.

h. Cost Estimate: Boat Dock

Ed said that Tom just got the plans from County Surveyor.

Tom added that they had some plans on what to do, but then they discovered that a lot of that is private property. The last time the County was in doing something on the dock, there was a lot of concern from the property owners across the street. He thought it would be best to get with all these people and see where they are going.

Commissioner Stowe inquired if this was Hardwick Bridge, Westbank.

Tom stated it was where the rafters all come out.

Chairman Martin suggested to get with the Division of Wildlife as they have a lease on the land.

Tom said that once they identify the land that is available and identified, they can decide what they can do.

i. August 16 - 17 for the Road Rodeo for the Road and Bridge crew in Rifle at the Fairgrounds.

Executive Session - Personnel Issues

Ed requested Jesse remain for the session.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss personnel issues; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

a. Proposed Agreement with the City of Rifle under which the County would be responsible for doing the building inspections on the Riding Arena at the Fairgrounds. And also issuance of a building permit, they waive any fees that might otherwise be collectable by Rifle. The only unique part of it is that we have to provide indemnification to Rifle. In this case it is specifically limited to the negligence of our employees. The entire proposal is perfectly acceptable and one the County should take. He recommended the Chair sign that agreement.

Commissioner McCown moved that the Chair be authorized to sign a letter agreement with the City of Rifle regarding the Fairgrounds. Commissioner Stowe seconded; carried.

b. Board of Equalization

Don reported that for the first time since he's been with the County, there were no hearings. The Commissioners do need to technically open the Board of Equalization and receive Assessor Steve Rippey's report on the assessed valuation.

Don mentioned the hearing was scheduled to begin at 8:00 A.M. Tuesday, July 25, 2000. Don suggested to open the hearing; receive the report; accepting the report and determining that the notification of the hearing is adequate; and closing.

Commissioner McCown suggested this speaks highly of our Assessor Steve Rippey and how he is conducting appraisals that we do not get that many contested evaluations any more.

Don DeFord said he was one of few County Attorney's in the State who does not have to spend a great deal of time getting training in this area, because of Steve's ability to work with the public. Commissioner McCown said in talking with Steve, a lot of counties will just do an across the board percentage. Steve has his staff look at every piece of property and the taxpayer has a problem in contesting the valuation process.

c. Retention of Special Counsel to Advise the Commissioners on the Open Space Issues

Don requested to handle this later rather during his scheduled time. There is a scheduled a setting on the plan itself.

d. Statewide Initiative - Growth Issues

Don said he had a request from two attorney's, one in writing from Jim Lockhead and vocally from John Schenk asking that the Board direct staff do research and present to you a proposed position on the growth initiative. Don said it's the proposed Constitutional Amendment which has not been officially submitted to the Secretary of State with adequate signatures. Both these attorneys would like the County eventually to take a stand with a more definite and certain definition "valid development application". John Schenk may appear before the Board later today to make this request.

The term itself is defined in the proposed initiative and it is of concern to these two gentlemen, because the way the ballot initiative is worded, at the time that the ballot is officially certified, if this initiative is on the ballot; then anything that is in front of you that is not considered a valid development application can not go forward if the initiative passes subsequently at the election.

There is a definition set forth in the initiative itself, but it is admittedly pretty broad and is subject to some interpretation. Apparently, there have been other jurisdictions, the two both cited were Aurora and City of Denver, who have gone forward with a definition of putting that in the context of their own regulations. Don added that he has talked to Mark Bean and Jim Leuthueser; if this is the pleasure of the Board they can do that. However, all their feelings are that he term is probably adequately defined as it is in the initiative although it is pretty broad.

Commissioner Stowe stated his concern would be is someone comes in with a preliminary plan and the Building and Planning gives approval for them to go ahead and advance on it; then this were to come in and we turned them down because of this initiative, (they've already spent a lot of money on the engineering process, development fees and everything else); do we have the right to override this and grandfather anything in that has been before the Board or before us ahead of this initiative?

Don explained that if this initiative passes, then the answer is no. You are bound by the terms of this initiative and that's the concern that Jim Lockhead and John Schenk have; they would like to know now what they have to submit before September 13, if this is certified on the ballot.

Discussion continued with the Commissioners asking Don a lot of questions.

Don DeFord said the concern that Jim Leuthueser and he have, that we could adopt our own definition and still get it thrown out. The initiative defines a valid development application to be an application that is substantively meets all of the rules of submission applicable to a proposal and has been accepted as timely and complete by the local government regulating the land use covered by the application. The question then is, they don't say exactly what type of application they're talking about - it is a sketch plan, a preliminary plan, is a final plat, is it a PUD.

Commissioner McCown said the way he interprets it is if it's no different that any other application coming to our Planning Department. If it is brought in and deemed complete, it's on the record. It doesn't matter if its a PUD, final plat, whatever.

Chairman Martin agreed.

Don said it does to this extent of the term "committed area". A "committed area" is one in which you can go forward on a development application, and it is defined as a valid development application as to such land the approval of which would result in development that shall be served by central water and sewer and has been submitted to the appropriate local government.

There is another one that the term "development" means commercial, residential or industrial construction or other activity which changes the basic character or use of the land. Under that definition, when you take valid development application, the only application the Board approves, that immediately results in a

change in the use of the land, is a final plat. Another way to look at it is to say that term means only in the most general sense that it will result in a change in the use of the land and hence any approved land use application would be all right. Oil and Gas is specifically excepted from this initiative as is the mining industry.

Don has a written request from Jim Lockhead to move forward on this; therefore the question of the Board, do you want the staff, Don's office and Marks to move forward and give you some opinions on this initiative and consider where they want to go with this.

Commissioner Stowe inquired that if we don't do they not put themselves at risk if the Board gives the go ahead to some developers to spend a \$100,000 and then the Board says they are invalid because of this initiative.

Don recommended to have staff give the Board an opinion on this and then make a judgment as to move forward or not. Don said this should be done by mid-August bring it to the Board for further discussion.

The Board directed Don and Mark to look into this and report back.

d. Personnel Issues - Level of Staffing - Not related to specific staff.

Don said in terms of clerical, he has staffed with a Legal Secretary II. Don would like to move the ½ time Legal Secretary to a full-time. The response for a ½ time person is one no one responds to. For the Legal Secretary II they do get some response and a good pool to interview. This is a position funded at \$18,000 a year. This would include benefits, etc. It is as a long-term position for his office. Don has \$4-5,000 left over due to vacancies.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to replace the ½ position to a FTE and Don be authorized to fill the Legal Secretary I position; carried.

e. Recognition for Fred Bitterman - Letter and Resolution

Chairman Martin submitted a Letter that was prepared by Don DeFord, that is to be sent to Kathy Bitterman and his family, signed by all three Commissioners. Also, consideration for making this Wednesday, July 26, 2000 - Fred Bitterman Day for Remembrance and Recognition for his service to Garfield County.

Fred Bitterman passed away due to a boating accident at Lake Powell. His funeral was last Friday. Chairman Martin suggested to keep flag at half-mast for the day; send an official Proclamation to his parents, wife and family that we declared this as a day of remembrance and recognition of his service to all of Garfield County.

Commissioner McCown made a motion that the Board approve the Resolution honoring Captain Bitterman and also authorizing the Board to sign a letter to Kathy Bitterman; carried.

f. Executive - Legal - Intermountain Resources - Oil and Gas Public Hearing - Litigation
Town of Silt

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come of Executive Session; carried.

COMMISSIONER REPORT

Commissioner McCown - Thursday afternoon - Grade Application Hearing for Human Services - 1st Review - 1 - 4 p.m. in Room 301.

Commissioner Stowe - The Airport Master Plan Kick off - 2:00 p.m.;

Planning and Zoning Tuesday, 7/25 - 6:00 p.m.- reviewing the eyebrows on the Jail;

Personnel Committee Meeting - 9 a.m. Wednesday 7/26/00; and Healthy Beginnings on

Thursday noon - Board Meeting.

Chairman Martin - Invited to attend a gathering for 4H Members on Sat. 7/29 at the Glenwood Mall 6:00 p.m. Sponsored by the Colorado State University - Extension - A Fashion Review; Also

invited to a Golf Tournament - Tues. 8/22 - Rifle Creek Golf Creek; Also a Management Director Steve Anthony - 8/1/ in New Castle at 7 Knapweed Share Cost Program; MIS I-70 Study by C-DOT - Keystone Center in Keystone.

memorandum from Weed p.m. in reference to the 7/26 - 2 - 6 p.m. at the

Grand Valley Days - Saturday

Chairman Martin mentioned the Board had received a letter of request from the 16th School District to release some funds we've collected and this will be forwarded to the legal staff. Approximately \$7,700 that they are requesting to be released.

The Training - Thursday, 1:30 - 3:30 - Courthouse - For All Employees

The press asked about a lawsuit from Silt.

Chairman Martin responded that Silt requested reopening of the hearing on the gravel pit. The motion died and was not reopened. They are filing through the proper channels. It was filed the 20th and received by Garfield County at 3:00 p.m. The Commissioners will respond.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR ZONE DISTRICT AMENDMENT FROM PLANNED UNIT DEVELOPMENT TO PUBLIC AIRPORT P/A. LOCATED: GARFIELD COUNTY REGIONAL AIRPORT. APPLICANT: GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS

Building and Planning Director Mark Bean and Don DeFord were present.

Mark explained that the public notice was not given to the newspapers and therefore, he will be turning over the responsibility for publication to Kathy.

The public hearing will be postponed until September 5th; and there will be re-notification, etc.

PUBLIC MEETINGS

DETERMINATION OF ADEQUACY OF THE PUBLIC NOTICING FOR THE WESTERN SLOPE AGGREGATE SPECIAL USE PERMIT FOR A GRAVEL PIT

Mark Bean submitted the staff's review report of the County Assessor's records for the "adjacent" property owners to Parcel No. 2179-122-00-350. The ownership of the property along the south boundary of the property includes two properties, 2179-122-00-148 and 2179-122-00-352, that are listed as "unknown" property owners in the records of the County Assessor. Parcel No. 2179-122-00-351 is the next parcel south of the applicant's property. This parcel is identified as being owned by the United States of America. Staff believes that this property is meander land that was claimed by the Federal government a number of years ago.

Based upon the above information, it is staff's opinion that the applicant met the technical requirements for notification of "adjacent" property owners.

Additionally, Mark responded verbally that this issue was discussed and the Board asked staff to research the ownership of the property that was adjacent, which is what the requirements are for mailing notice for a Special Use Permit.

Attached to the memo is a small map that shows the ownership of the property along the south boundary includes two properties that are listed as unknown owners. The next known owner is a parcel that is owned by the United States Government which is meander land.

Mark went on to fully explain the parcel numbers and identified these to the Board by use of the map he had submitted.

The Board inquired if all of the other adjacent property owners to the north and west were listed for noticing.

Mark Bean stated that was correct.

Chairman Martin asked for anyone in the audience who wished to give any information to come forward to the microphone and state their name.

Public Input

Dave Nicholson - stated that the thought he was an adjacent property owner. He gave his opinion that the law should read the adjoining taxpayers. He further addressed the fact that this was a ranching area and that no consideration had been given to the impacts on wildlife. Dave mentioned Bald Eagles and Heron Rookery near by that will be affected by this gravel pit.

Jennie Long - 1950 CR 311. She said she lives directly across from the gravel pit; she missed the notice and asked for the Board to reconsider the request of those people that will be affected. She felt the property owners would lose value in their homes. It is virgin land, eagle habitat and beaver dams are in the area. All around this is wetlands. She asked the Board's consideration to give the people an opportunity to comment.

Fred Cook - Stillwater. His major point is the noticing. He said that contiguous and adjacent property owners were not notified. He added that his property is under 1,000 feet from the gravel pit. They feel this operation would greatly impact their project. They asked for the Board to rescind their motion. Stillwater planned for higher-end use at the land facing the gravel pit. Stillwater developers carefully planned the layout for residential and commercial development.

Tom Bradtke - property owner at 117 CR 335 and said his property goes all the way to the middle of the river and extends about a thousand feet along the middle of the river. He said this was the first time he's heard of unknown owners - he's been paying taxes, different taxes, but his land goes to meander land. He stated that it's in his deed.

Chairman Martin stated that the U.S. Government is a landowner and there is one unknown tax payer. Tom stated this would affect his property value.

Bob Regulski - River View Ranch across the river from the Gravel Pit. This may affect his new subdivision and he lives just down from the gravel pit. He would like this opened up for the public. He has spent a lot of time and money on his subdivision and would like to have an opportunity to speak.

Commissioner McCown said given the staff report, the records from the Assessor, the letter of the law; that adequate notice has been met. He added that whether it was the proper good neighbor policy of cordially notifying everyone, maybe that wasn't done. However, as far as the requirements for noticing adjacent property owners, he felt they were met.

Steve Beattie, Attorney for Town of Silt, said the Town's position remains the same. This is an important land use decision and there should be time for nearby landowners and the Town of Silt to comment.

Dave Nicholson asked for clarification on the terms "adjacent and contiguous" landowners. Was this adequately looked into?

Mark Bean commented that adjacent and contiguous are the same as far as the notice to property owners. Don DeFord agreed.

Commissioner Stowe commented that it is unfortunate that the everybody in the surrounding areas were not informed. He said the line has to stop somewhere and this is what the regulations state - adjacent property owners. The land use was noticed and it would be remiss for the Board to reopen this just because a group of citizens were not satisfied with the results. We have laws and regulations, we have to protect those that are developing and moving in this area requesting special use permits. Once we grant and close a public hearing, the decision the Board makes has to be final unless there was something wrong. He added that he would not be willing to reopen the hearing unless the applicant was willing to do that on his own. Glenn Harsh, for the applicant, stated they will not reopen the hearing.

Mark Bean mentioned that the review hearing will be held in 18 months. This is an opportunity down the road for these concerned citizens and land owners to make comments about the operation. He reminded the public that Western Slope Aggregates will have to adhere to all of the conditions that were approved with the Special Use Permit.

Commissioner McCown said he had nothing more to say.

Chairman Martin stated that the consensus of the Board is to stay with their decision.

REQUEST FOR COUNTY COMMISSIONERS TO SET PUBLIC HEARING DATE TO CONSIDER THE PROPOSED ROARING FORK OPEN SPACE, PARKS & RECREATION DISTRICT SERVICE PLAN

Mark Bean and Don DeFord were present.

Mark briefly explained that the Planning Commission has as they are required to review the proposed service plan and made a recommendation to the Board. The next public meeting of the Board at least 10 days after the Planning Commission decision, the Board has to set a public hearing to consider the service plan. At least 20 days public notice and not more than 30 days, has to be given to all of the property owners within the proposed special district. In looking at the calendar and timing, 30 days date would put it at August 24th. And since the Commissioners are not going to be available on August 21 and 22 due to the oil and gas hearings, Mark suggested setting this date as August 23. The notice has to go to every property owner in the area. They have included those landowners of 40 acres or more.

Commissioner Stowe reminded the Board that RTA has also requested a hearing for August 23 in order to meet the timeline to get it on the ballot.

Mildred Alsdorf reminded the Board that Sunlight View II Subdivision was scheduled for August 22.

A decision was made for August 23 and schedule the Open Space at 10:30 a.m.

Special Counsel for Open Space - Blake Jordan has prepared a memorandum to the Planning Commission regarding cost to be considered on this application.

Don stated Blake Jordan looked at the 40 acre exemptions, financing the election, eminent domain, affected areas, and qualification of purchases.

Jim Leuthueser stated Blake Jordan would be available on 8/23/00 whether or not by phone or in person was not decided.

A decision was made to ask Blake Jordan to be available via telephone 8/23/00 if this can be worked out. This will be the method if approved by Blake.

Request - School District 16 - Release of Fees Collected

A motion was made by Commissioner McCown and seconded by Commissioners Stowe authorizing the Treasurer to release an approximate sum of \$7,700 to the Garfield County District 16. In return asking the District for a letter from indemnification that would alleviate Garfield County from any further obligation to those funds.

Commissioner Stowe seconded the motion; carried.

A motion to Recess until 1:00 P.M. was made by Commissioner McCown and seconded by Commissioner Stowe, carried.

Chairman Martin called the meeting back to order at 1:00 P.M.

CONSENT AGENDA

- a. Approve Bills
- b. Liquor License Renewal - Sunlight Mountain Inn
- c. Liquor License Renewal - Red Rock Diner
- d. Sign Amended Final Plat - Sierra Pinyon Subdivision, Lots 1 & 2
- e. Sign Division Orders: Barrett Resources Corporation

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the consent agenda, items b -e; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bills and the Amendment to Collateral Assignment - The Flight Department/Alpine Bank; carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Janice Louchs, County Engineer will give a briefing for the Glenwood Springs Planning Commission to discuss the eyebrows in the Use by Special Use Permit at 7:00 P.M. at the City of Glenwood Springs.

She basically stated that the eyebrows are an \$80,000 shadow line.

Commissioner Stowe requested Janice Louchs, Mark Bean, and Bob Johnson, architect to attend the meeting Tuesday evening with the Glenwood Springs Planning and Zoning.

Underground Storage Tank - Rifle

Janice Louch - go ahead with pump and treat and hold off on final removal until the Rifle Road and Bridge shop is moved to the Airport land.

Ed stated that that Garfield County is the only soil contributor. The City of Rifle is listed as an orphaned tank and is not classified.

Growth Initiative - Discussion

Attorney's Jim Lockhead and John Schenk were present.

Attorney Jim Lockhead requested to have the Board make a determination on the Growth Initiative.

Discussion was held on the various issues explained previously by Don DeFord.

Jim Lockhead stated that this term "valid development application" is defined carefully to avoid the challenges. The City of Aurora and City of Denver are in the process to identify valid applications. Jim commented that the Board needs to give a definition of a valid development application in order to have the landowners and developers know which applications are valid. This will enable further development of the land at issue. Aurora has actually initiated a form called a development application. Denver, by Resolution, is dedicating by land use application, and they have set a deadline of August 31. Denver will verify if they are complete and validate the application to the developer.

Commissioner Stowe stated the issue was addressed earlier and the Board directed staff to research this further and report back. To go in the direction as Denver would mean this Board would be in the same challenges.

Jim Lockhead encouraged the Commissioners to define the rules of the game and what they will consider a valid application.

Mark mentioned that presently the County uses the work complete application.

John Schenk stated it is likely to overturn all the current applications being worked on. He suggested a democracy approach be in control versus a professional approach. In the process that Building and Planning goes through, a 21 day requirement, no one could meet this. Therefore, a valid application versus a completed application is very important. If this becomes law, it will have a tremendous impact.

Monday, July 31 at 9:00 A.M. was set for a special meeting to determine a "valid" application.

Jim said to define this up front will leave the Commissioners in a better position.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.

BOARD OF HEALTH

HUMAN SERVICES

HEALTHY BEGINNINGS

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

SOCIAL SERVICES

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

Recess

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until 8:00 A.M. July 25, 2000 for Board of Equalization; carried.

Attest:

Chairman of the Board

JULY 31, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, July 21, 2000 with Chairman John Martin and Commissioner Walt Stowe present. Commissioner Larry McCown was contacted via telephone. Also present were: Assistant County Attorney Jim Leuthueser, County Administrator Ed Green, Operations Dale Hancock, Building and Planning Mark Bean and County Attorney Don DeFord.

Others present were: Attorney John Schenck, Attorney Jim Lockhead, Attorney Larry Green, and Design Planning Ron Liston.

Item for Discussion - Defining Valid Development Application as described in the Proposed Statewide Growth Initiative.

This is a proposed Constitutional Amendment. The attorney's present would like the Board to take a stand. They indicated to the board the concern if this initiative is passed in November General Election. Aurora and Denver have gone forward in putting this in the context of their regulations.

Don talked to Mark Bean and Jim Leuthueser regarding the issue on the growth initiative.

Jim Leuthueser indicated that defining a Valid Development Application would and implementing it would mean a change in the County Regulations. He summarized the intent of the growth initiative as Douglas trying to "fine tune" Subdivision Planning and Regulations.

Aurora has drafted an Ordinance to deal with this issue. Jim recommended the Board draft a Resolution in order to be protected within the County Regulations. He added that the terms are adequately defined in the proposed growth initiative.

The concerned parties in attendance drafted some resolution guidance and sent a copy to Don DeFord.

Jim Lockhead asked the Board to make a determination on the growth initiative. The committed area - a valid development application - must be pending as of September 13, 2000, when the Secretary of State certifies the ballot.

Jim Lockhead reiterated that a valid development application is defined carefully to avoid the challenges. He urged the Commissioners to define the rules of the game and draft a definition of a valid development application in order to have the landowners and developers know which applications are valid.

Attorney John Schenck stated it is likely to overturn all the current applications being worked on.

Therefore, he suggested a democracy approach be in control versus a professional approach.

Mark Bean said the time element for the Planning Commission was a concern because for them to have 30 days, something would need to be given them this week.

The Board suggested having a special meeting on the 4th Wednesday of August.

Commissioner Stowe moved to proceed ahead with an amendment to the regulations, have the Planning Commission hold a special meeting and bring it back to the Board.

Commissioner McCown seconded the motion.

Discussion

The Resolution would need to be before the Board by the August 7, 2000 meeting.

Carried.

Commissioner Stowe moved to proceed with the Amendment to the Regulations; to have a special meeting of the Planning Commissioner and bring it back to the Board; carried.

Janice Loucks submitted ***Phase II Estimate - Rifle Road & Bridge Shop Site:***

\$9500 for the Analysis

\$6900 for HP Geotechnical

\$ 540 for Testing

\$25,000 - 27,500 Waste water

Total of \$55,500 with a 12% contingency

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the testing at the Rifle Shop Site not to exceed \$55,500 and the item out of the Road and Bridge budget; carried.

Executive Session - Henry Building

Architectural floor plans were submitted for the Board.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried

Directions to staff

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to provide directions as discussed in Executive Session to the staff; carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest:

Chairman of the Board

AUGUST 1, 2000
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

OIL AND GAS WORKSHOP

The Commissioners held an Oil and Gas Workshop with some concerned citizens in the Rulison area regarding the 20 acre proposed drilling. Commissioner Chairman John Martin and Commissioners Walt Stowe and Larry McCown were present. Others present included: County Administrator Ed Green, Building & Planning Mark Bean and Clerk and Recorder Mildred Alsdorf

Community Representation included:

Arnold Mackley, Diana Mackley, Joan Savage, Martha Carpenter, and Attorney for Barrett Oil and Gas. Maps were presented and a discussion was held.

Barrett Oil wanted to dispose Arnold Mackley and Martha Carpenter. Joan Savage said she isn't a witness.

Additional Meetings included: Rebuttal - September; and Denver - September 25-26 to finish discussions and deliberations on the concerns expressed by the local residents.

Attest:

Chairman of the Board

AUGUST 7, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 10:30 A.M. on Monday, August 7, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 10:30 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Presented BOCC with Temporary Certificate of Occupancy for the Riding Arena - the building is insured - insurance for all of the upcoming events as well.

GARCO Housing Authority Insurance

Phyllis Lundey - Addition of the Garfield County Housing Authority to the County Health Benefits Plan - letter attached from Sheila Smith - requested that employees of GCHA be allowed to come on the County's plan - allowable - member affiliate - this Board appoints at least 50% of their board - personnel committee voted to bring them on as member affiliates - currently have five employees - save them several thousand dollars - we will charge small fee to cover administrative costs on our end - relationship will be between Garfield County and the County Health Pool and the Housing Authority, not the individual employees of the Housing Authority.

Walt moved to approve; Larry seconded.

Motion carried.

Method of Overtime Compensation Years 2000-2001: Nonexempt Employees

Phyllis - recent policy manual changes - Garfield County BOCC would decide each year (for the department heads reporting to the Commissioners) whether overtime would be paid as paid compensation at time and one-half or compensatory time taken at time and one-half - standardizing among departments came from Don DeFord - recent case law and legislation demanded that if overtime compensation is changed from pay to compensatory time, there must be a written agreement with employee each time the compensation is changed - big burden on managers - resolution from the BOCC saying overtime would be done one way each time would be easier for all concerned - less liability - each elected official will decide how to implement.

Larry - made a motion the BOCC approve the overtime rate of pay rather than compensatory time and that the Chair be authorized to sign said resolution; Walt seconded; motion carried.

Use of Major Sick Leave for Adoption

Phyllis - currently employees may use major sick leave for doctor's appointments and other related time off during a pregnancy - in responding to an employee request, the Personnel Committee approved the use of up to five major sick leave days, or 40 hours per adoption, for properly documented time off from work for adoption-related proceedings prior to the adoption of a child - idea is to equalize what happens for a family in the adoption process with what would happen for a family in the pregnancy process.

Walt - adoptions require a pre-placement hearing, examination of the home, 3-4 days typically, plus an interview - if they are going out-of-country, could run as high as two weeks - good thing because it shows our willingness to work with the families - it's family friendly - probably won't be that many within our work force adopting - would be in favor of it if it was limited to five days.

Walt - moved that the BOCC allow the use of major sick leave for up to five days for prior adoption proceedings as long as such proceedings can be documented; Larry seconded; motion carried.

Scheduling of Meal Break at the Landfill

Phyllis - presented the idea of having Janey (from Road & Bridge) go to the landfill and relieve the gatekeeper for the ½ hour for lunch - for Saturday and Sunday, a suggestion was made to employ someone to work 2 - 3 hours.

The Commissioners were in favor of hiring a part-time person on the weekends.

County Road 115 & County 119 Intersection - Kendall Road

Tom Russell - had several calls pertaining to this Intersection - meeting on Monday 9:00 August 21st will be set up to discuss this - question is why it is not a County Road and maintained - meeting will be on-site.

Burlestone Engineering - Design of Stevens Hill

Tom Russell and Ed Green gave the Scope of Work for Stevens Hill - total job costs is \$8,995.00

Hunter Mesa Road Closure

Tom - had a request to close Road 352 - Airport on Hunter Mesa Road - in order to install the water line - schedule is forthcoming.

Forest Fire Progress Report

Tom provided an update stating they were cooperating with the Fire Trucks.

County Roads

- 1) CR 109 - Tom mentioned that bicycles and cars were moving on.
- 2) CR 103 - Tom is waiting for the report on width of the right-of-way.
- 3) White River - Ed stated this needs some guardrail. We will be credited by Selby (Manager of Rifle).
- 4) Davis Point and Peach Valley Road - Chip and Seal - now they need Jerry barriers as several have landed in the ditches. A piece of guardrail will also work.

Sign Contracts

Tim Arnett presented the following:

- 1) Rofintug: County Web Site Service The Contract was presented and Tim mentioned it was a not-to-exceed.

Barbara Gaber will be the web-master. The information would go to her and she will down-load. Rofintug is in Phase I and should be completed.

Commissioner Stowe moved to approve the Rofintug Agreement in an amount not to exceed \$5,980.00 for the implementation and setup of the website design and development for Phase I and for Phase II which is the on-site training and the scripting for an additional \$4,225.00 and the domain hosting for \$450.00; Commissioner McCown seconded; motion carried.

- 2) H.P. Geotech: Drilling Contract

Tim explained this is to do the drilling at the Rifle Shop - a total of 16. Not to exceed \$6900. without approval.

Larry motioned the BOCC approve the HP Geotech Contract for the drilling at the Rifle Shop and City Shop for the remediation work; Walt seconded; carried..

- 3) Columbine Ford: Purchase of 2 Dump Trucks

Tim Arnett presented the recommendation for the purchase of two 2001 Ford F-450 4x4 Extended Cab Dump Trucks at a cost of \$72,462.00.

He added that this item is budgeted.

Larry motioned the BOCC approve the bid with Columbine Ford for two 2001 Model F-450 regular cab trucks for the amount of \$72,462.00; Walt seconded; motion carried.

4) GEI Consultants: As-needed Engineering Services

Janice Laucks and Tim Arnett presented.

Larry motioned the BOCC approve the reoccurring or as-needed engineering services contract with GEI Consultants and the Chair be authorized to sign; Walt seconded; motion carried.

5) Integra Engineering: As-needed Engineering Services

Tim Arnett and Janice Laucks presented the contract.

Walt motioned the BOCC approve the reoccurring or as-needed engineering services with Integra Engineering on as-needed basis and the Chair be authorized to sign said agreement; Larry seconded; motion carried.

6) Waste Engineering, Inc.

This is a contract for removal of waste, Phase II, at the Garfield County Road and Bridge Maintenance Shop, Rifle due to the leakage of underground storage tanks containing oil and gas.

Larry motioned the BOCC approve the contract with Waste Engineering for the Phase II remediation of the Rifle Shop in an amount not to exceed \$27,500.00 for professional services and \$5,500.00 in reimbursement expenses and the Chair be authorized to sign the contract; Walt seconded; motion carried.

Quarterly Financial Report - Senior Options

Ed presented the Quarterly Financial Report for the Senior Housing Project - needs to be executed by the Chairman.

Larry moved the Chair be authorized to sign the Quarterly Report for Senior Housing Options; Walt seconded; motion carried.

Establishment of a Meeting with Elected Officials

Ed - this was an employee recommendation - an exchange of information with the County Elected Officials.

Mildred stated that this was done before and it would have to be posted.

The Commissioners were not in favor of having another meeting just to be having it.

Mildred stated this could be a luncheon on BOCC days and meet with the elected officials and department heads.

Meeting - November 6, 2000

Mildred requested the November 6th meeting be changed due to the election.

This was approved.

Ed - asked for Executive Session on Henry Building and Jail Changes.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his report consisting of:

a. Letter of Understanding: Jail & Correctional Health Management

Carolyn Dalghren presented the report and explained the letter of understanding.

Carolyn requested approval for the Board to authorize the Chairman to sign once all the other required signatures have been received.

Walt moved the Chair be authorized to sign the student nursing contract with GMA et al upon receipt of the final signatures secured by the Attorney and his staff; Larry seconded; motion carried.

b. Regional Transportation Authority

Don stated we received a copy of a second draft Intergovernmental Agreement but it was received late Friday night.

Don stated if this is going to be on the ballot, that a second public hearing would be necessary. He mentioned a tentative meeting was scheduled for noon tomorrow between the attorney's.

Wednesday, August 9, Stowe, Don and Ed - 9:00 A.M. with RTA.

Discussion.

The drop dead for submittal to be on the ballot is September 13th.

Next Monday, August 14, there will have been several meetings and a discussion can be held.
Don stated the agenda could be "Consideration of Setting RTA/IGA."

EXECUTIVE SESSION

Don - need Executive Session on Silt Intermountain Resources, Inc. and the Nieslanik litigation concerning White Hill Road - needed three Board members, Mildred, Mark Bean and Ed Green present.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT

Chairman Martin - ribbon cutting, August 8, 1:00 p.m. Rifle Fairgrounds, new building - Mayors' Meeting in Rifle at Buckaroos at 7:30 a.m. on Thursday if anyone wants to attend - Transportation Committee with CDOT meeting at the Courthouse on Friday from 10:00 a.m. to noon - Pancake breakfast at 9th and Grand Avenue 7:00 a.m. - after pancake breakfast, be at County Fair Parade in Rifle, lineup time is 9:15 a.m. - Shoot Out is at 2:00 p.m. - livestock sale starts at 4:00 p.m.

Larry - speaking to Kiwanis, Battlement Mesa Activity Center, in the morning, 2:00 p.m. meeting in City Hall - rest of the week will be at the Fair - Cookie Jars (noon) Friday

Chairman Martin - had numerous calls from Ms. Lagiglia on Red Canyon Road - neighbor has had illegal a.d.u. for 2 1/2 years now - BOCC gave orders to have it resolved in 30 days - that has passed by 60 days - still not resolved - need to set up uniform process for handling code violators.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

None.

CONSENT AGENDA

Chairman Martin - items b & c need a date specific.

- a. Approve Bills
- b. Refer Glenwood Springs Gun Club Special Use Permit to Board of County Commissioners for Public Hearing
[Commissioner McCown made a motion to refer item B & C to the Building and Planning Commission to set dates.]
- c. Refer Dust-N-Sage Kennel Special Use Permit for Public Hearing
- d. Sign Nieslanik Exemption Resolution
- e. Sign Resolution: C.R. Commercial Properties Original Plat
- g. Sign Resolution: William Pinkham Kennel Special Use Permit
- h. Approve Resolution: Flat Tops Gateway Ranch Special Use Permit for an Accessory Dwelling Unit
- i. Re-Sign Resolution Due to Scrivener's Error: C. Franklin Ryden
- j. Sign Resolution: Western Slope Aggregate Special Use Permit
- k. Sign Amended Final Plat: Lot 8, Block 1, Rifle Village South, First Filing
- l. Approve Beulah Wilson Subdivision Exemption Amended Plat
This was approved on February 9, and a legal description on Parcel D needed to be corrected.

Jesse Smith stated the cell phones will be re-bid on one contract.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve Consent Agenda Items a, d - i ; carried.

Larry - made a motion for BOCC to refer items "b" and "c" to the Planning Department and allow them to set dates for Special Use Permit hearings; Walt seconded; motion carried.

PUBLIC COMMENTS

Marian Smith - Questions on Proposed Open Space Park and Recreation District

August 23, 9:00 A.M.

Notification Requirements. She had only one public notice but none for her personal property.

The date set that if you want an exemption, a letter must be given to the BOCC before August 28.

Letter - does it need to specify the reason for being excluded and does it need to have the legal description.

Absentee Land Owner - A friend owns property but does not live in the district.

BUILDING & PLANNING ISSUES:

PUBLIC HEARING:

CONTINUED PUBLIC HEARING: APPLICANT REQUESTING APPROVAL OF SUBDIVISION PRELIMINARY PLAN. LOCATED: PORTIONS OF SECTIONS 29, 32 AND 33, T7S, R87W, GARFIELD AND EAGLE COUNTIES. APPLICANT: CERISE RANCH/WINTERGREEN HOMES, LLC.

Chairman Martin swore in people wishing to give testimony.

Jeff - two additional exhibits to submit:

J. Town of Basalt comments

K. Revised staff report

Because this is a continued hearing and most of the information was presented at the last hearing - will only go through new information - staff report page 9, Town of Basalt comments - staff feels that the applicant has addressed all of the Town of Basalt's issues during the process of this application - Planning Commission recommended approval of proposed subdivision with listed conditions 1-24 (pages 16-20) of staff report.

Staff Recommendation:

Staff recommends **APPROVAL** of this application with the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission, shall be considered conditions of approval.
2. As per Section 4:34 of the Subdivision Regulations, Preliminary Plan approval shall be valid for a period not to exceed one (1) year from the date of Board approval, or conditional approval, unless an extension of not more than one (1) year is granted by the Board prior to the expiration of the period of approval.

As part of any Final Plat submittal:

3. Valid well permits for all proposed wells must be obtained and submitted.
4. The four (4) comments from Garfield County Vegetation Management must be addressed.
5. Comments 3, 4, 6, 7, 9, 10, 11, 14, 15, and 16, from Wright Water Engineers must be addressed. Comment 4 being revised to require State approval of the water treatment and distribution system be obtained by applicant prior to Final Plat approval.
6. Language must be included in the covenants which states that homes over 3,600 square feet in area will be equipped with automatic fire sprinkler systems.
7. The cost for a permanent augmentation plan must be paid for by the applicant or included in a Subdivision Improvements Agreement.
8. Comments 3, 5, 8, 9, and 11 as included in the CDOW letter dated March 22, 2000, with the revision to Comment 5 as outlined in this staff report, and the "Response to Division of Wildlife Letter Dated 01/18/00," Item 9, in Section 14 of the applicant's submittal must be included in the covenants.

9. The Final Plat must include the proposed access easement to lot 52 with dimensions as was submitted for Preliminary Plan.

10. Required Plat notes:

"Prior to the initiation of any grading or construction on Lot 52, detailed engineering drawings of the proposed driveway accessing Lot 52 must be submitted to the Garfield County Department of Building and Planning for review and approval."

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"Fencing will be restricted throughout the development to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality. See covenants for specific restrictions."

"The comments received from the Colorado Division of Wildlife, Comment #5, titled Bears/Trash Removal in their letter of March 22, 2000, as modified, and included in the covenants must be adhered to by all residents."

"The subdivision shall be prohibited from chasing, scaring, frightening, disturbing or other forms of harassment in an attempt to coerce wildlife off open space areas. This provision shall apply during winter and production periods. Winter periods are defined as December 1 through April 30 and production periods as May 1 through June 30."

"General brochures available from CDOW with regard to wildlife to educate homeowners will be distributed to all homeowners upon the purchase of a lot."

"Any wetlands on this property not to be preserved as open space will be restricted to no development and be avoided through careful design of lots and driveways."

"Homes in excess of 3,600 square feet shall be equipped with automatic fire sprinkler systems."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. sec., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is 'A Guide to Rural Living and Small Scale Agriculture' put out by the Colorado State University Extension Office in Garfield County."

As part of any Final Plat approval:

11. All conditions of the access permits, number 300095 and 300094 must be complied with by the applicant.

12. All comments received from the Sheriff's Department in the letter dated March 9, 2000.

13. The comments regarding wildlife as detailed in this staff report.

14. All representations of the Army Corps of Engineers in their letter dated 04/05/00, and all conditions of the issued nationwide general permit number 3.
15. Section 5.03.21 Accessory Dwelling Unit, of the Subdivision Regulations, must be complied with.
16. Comment number 5 from Wright Water Engineers which requires all ISTSs to be designed by a registered engineer.
17. As stated in the letter dated March 21, 2000, from the Division of Water Resources, individual sewage treatment systems must be of the non-evaporative type unless otherwise requested and supported by consumptive use estimates.
18. Impact fees for fire protection must be paid.
19. School fees in the amount of \$20,536.00 must be paid.
20. As per Section 4:34 of the Subdivision Regulations, with regard to phasing, all lots must be final platted within five (5) years.
21. Any necessary mitigation measures as determined for any construction in areas above 40% slope.
22. As per the Division of Water Resources comments, any exempt wells which exist within the proposed development must either be included in the District's TSSP or an augmentation plan, or will be required to be plugged and abandoned pursuant to the conditions of the new well permits for development.
23. As per the comments received from the Division of Water Resources, if any ground water is to be disturbed for the proposed ponds, well permits will be required.
24. The proposed 300,000 gallon water tank must be painted and screened through the use of landscaping and/or berming to minimize its visual impact.

Chairman Martin - asked applicant, if in the future the sanitation district expands, would you be favorable to hooking on to that central sewer system.

Tim Thulson - don't know when in the future that may occur - if we sell out we won't be in a position to control - homeowners will be investing a lot in the Individual Sewage Treatment Systems - provides secondary treatment - thought that was a dead issue.

Chairman Martin - what about dust mitigation during construction - any consideration?

Joe Hope, High Country Engineering - will come up with some dust mitigation procedures - typically require that the soil be kept damp to knock down dust - we'll also require immediate revegetation of areas that are disturbed.

Tim Thulson - would accept that as "condition of approval" - encouraged Board to recommend approval of the application on the conditions set forth by staff - agree with all of them except one, school impact fees - agree to the formula.

Chairman Martin - any public comment - none.

Walt moved to close the public hearing; Larry seconded; motion carried.

Walt - made a motion the BOCC approve the request for approval of preliminary subdivision plan for the Cerise Ranch/Wintergreen Homes LLC with conditions of approval as recommended by staff adding Item #25 regarding dust mitigation by dampening of soils during the construction process and revegetation of disturbed areas as appropriate within a reasonable amount of time and changing #19 to reflect that school fees correspond to the current formula as adopted by the County Commissioners and corresponding to the final submitted plat and the number of lots on that plat; Larry seconded; motion carried.

PUBLIC MEETINGS:

DISCUSSION/APPROVAL OF A RESOLUTION CLARIFYING THE INTERPRETATION OF THE CITIZENS MANAGEMENT GROWTH INITIATIVE

Lee Leavenworth, Jim Lockhead, John Schenk, Jack Pretti, Bob Howard, Ron Liston, Pat Fitzgerald, Larry Green, Tim Thulson, and Bob Noone were present.

Jim Leuthueser - (according to Lee Leavenworth) City of Rifle has addressed this issue by Ordinance - made calls to various governmental entities around the state - a major Front Range city is looking at issuing a statement of policy instead of amending their regulations to reflect a definition of "valid development application" - the statement of policy would be how they would anticipate their planning department looking at what they would consider a valid development application - a policy is subject to change - all options have some difficulties - we have a "Valid Development Application" definition that will kick in prior to the constitutional changes being made - creates an ex post facto effect - law will have a retroactive effect if it goes into place.

Jim - prepared a Resolution - reflects a policy change - we have noticed before this Board Consideration for Regulatory Changes - proposed, if Board goes ahead with policy changes, the regulatory changes would be very similar.

Lee Leavenworth - potential effect of this ordinance - it could result in a 1-2 year moratorium on new growth - expect to see lot prices jump 15-25% because there will be very little inventory coming on the market - City Council of Rifle directed Lee to take an aggressive approach to this - prepared an ordinance which would amend their code by creating a development application form on which name, address, and types of processes to pursue - need to make it clear that a development application in the subdivision process is for the entire process - Rifle City Council very concerned they have the widest opportunity possible to consider these applications - asked Lee to take Arvada's approach which was to create the step called development application and a form on which you check the appropriate boxes and pay \$10.00 and a file is opened - then start pursuing what you checked - the worst scenario would be if one had a Preliminary Plan filed, then not be able to go to the Final Plat because one didn't have the Final Plat application pending - an application for any step should be an application for the entire process not just that step.

McCown - is there a difference in a Home Rule city setting up a process versus a County - since a County receives all of its authority from the statutes?

Jim - County bound more by the Statutes - Home Rule city can argue more - land use can be defined - third line in the initiative states growth is a statewide concern.

Lee - if passes will have a severely limiting effect on what one can look at - Rifle wants to be able to take an aggressive position as to what they can look at - Rifle has bonds outstanding for a water and sewer system - requested the County be diligent to cover the entire process.

McCown - can we get to the point by adopting a policy and not by changing the regulation.

Jim L. - by changing regulations there's the potential the regulations would not be cohesive - they might be fragmented - other side is that it is safer to incorporate it as a regulation - the difficulty is it would take additional exploration - if you have to act today, suggested Policy Change - Eagle County - doing nothing - people do not believe they would get on the ballot - Routt County is opting out - below population levels - Telluride - county is too small, no worry - Denver is frantic.

John Schenk, Attorney from Glenwood Springs - he understood the process as one could adopt a policy position (as Denver did)- passing a Resolution is a Senate approach - the legal tenacity is less than a change of Regulation which goes through the legislative process of notice, going to the planning commission, then BOCC voting on it - thought idea and intent was to pass a Resolution at this point giving people an idea of what they're going to have to do - frankly other than an entry level process, it's impossible to do anything in time limits left - a preliminary plan would have to be on Mark's desk today.

Mark - it's required to be submitted at least 49 days in advance of regular planning commission meeting.

John Schenk - everything is off the table except sketch plan and application for PUD changes - if one starts somewhere in the process, ought to be able to continue process through to a decision, right or wrong - one

section (overlay) provision in the introductory portion of planning, subdivision and zoning parts, simply says what you're going to say - is for purposes of complying with the initiative so that there is clarity and it is legislatively adopted prior to that date of certification so that we can all rely on it and be comfortable with it.

Jim Lockhead - had a number of suggestions -

- 1) cover all types of applications that are currently in regulatory framework
- 2) cover the entire process - if a pending application is either filed or an earlier approval from 6 months ago, the comments are still valid for that sketch plan approval - that should be considered as a valid development application - even though the sketch plan application isn't still pending on the day of the ballot certification
- 3) when the application is deemed complete - the initiative can be read fairly to say that one can file an application and then have it subsequently deemed complete after the ballot is certified - including providing additional supplemental information if staff requires it.
- 4) the Resolution or the definition of a development application should include subsequent amendments or supplements to an application - because through the approval process those plans change - there can be additional conditions, public process at every stage
- 5) cover PUD applications and approvals that occur even if they don't necessarily have a sketch plan that has been submitted - there's a specific development plan proposed in a PUD, a sketch plan may or may not have been submitted at the same.

Bob Howard - is an existing approved PUD covered by 256 - if not, are we going to try and adopt something that suggests that it should be.

Walt - that goes back to interpretations of 256 - some people would argue the fact that had they been approved and no activity had taken place that yes they would have to go back to a vote of the people for that to move forward - that's one interpretation - another interpretation would be it was done, it was passed, it's etched in stone, can't mess with that one - if it doesn't fit the criteria that whoever interprets 256 in its finality, it could.

Bob Howard - right now felt he had a strong argument that a PUD is exempt by having been approved and at one time having a valid development application - encouraged the Board to consider coverage on formerly approved application.

Walt - thought that would be their intent.

Larry Green, attorney from Glenwood Springs - reaffirmed approach with Jim Lockhead - worked last several weeks to present Commissioners with language that would address the concerns about private property rights that Resolution or Initiative 256 raises - preference is to Change the Regulations - set up a process which will allow us to get there by September 5 - Jim's approach of the 5 - 6 major points which need to be addressed is a correct way to go - would the BOCC appoint staff, some attorneys, and other people to come up with a proposed change to the Regulation before September 5.

Chairman Martin - asked Jim L. if there was language about not changing any past resolutions that have been before the board.

Jim Leuthueser - the problem is yes and no - some would not yet have had a resolution passed because they are still pending - i.e. an application for sketch plan, there's no approval, the application is just submitted and P&Z bats it around, gives ideas back, there's no Resolution saying good, bad, or indifferent - the approach in proposed resolution is to simply say that the initial application for a land use is for our purposes a valid development application - get the initial one in whether it's a PUD application, a sketch plan, a special use permit, that gets one in under the wire - good points of Jim Lockhead, but problem is if we were to incorporate some of Jim L's comments about completeness, we'd be very close to having contradictory definitions of completeness in our regulations - we have completeness for the purposes of this initiative which is pursuant to the current regulations - then we're going to have to accommodate that because the way Jim L. would deem an application complete - where an application can have subsequent

or additional information or deemed complete after the time the Secretary of State certified this initiative - that's not how we view completeness now i.e. for a preliminary plan -

Mark - correct - technically if it is incomplete one doesn't have an application that's on file.

John Schenk - identify at beginning of both Zoning and Subdivision Regulations.

Jim - the constitutional provision itself is something we're going to have to live with - it has to be deemed complete as of the date it's certified.

Jim - tried to address the idea of the initial application - could relate however far back it needs to be or it can relate up to the day before the Secretary of State says we're done - providing Mark can say it's complete.

Larry M. - agrees - fears this initiative on the existing PUDs that we have - they can be greatly impacted - we need to approve of those because they've already gone through the process - we need some way to protect those.

Walt Stowe - a Resolution today would be a good start - gives some comfort level - then proceed to the Regulations - policy doesn't give any advantage.

Jim L. - policy would give others an idea where BOCC is headed.

Walt - if it can be done through the resolution, would welcome any help from local attorneys or groups with whom Jim L. would like to work.

Larry McCown - hearing developers' attorneys don't have a particularly high level with this policy resolution we're discussing today - doesn't seem to go far enough.

Jim Lockhead - suggested some changes that some of the attorneys have reviewed.

Ron Liston - encouraged BOCC to take the Resolution Jim Leuthueser wrote, add Jim Lockhead's changes and then proceed with the regulations.

Jim Lockhead read Paragraph 1 of the Resolution, page 2 (**WITH HIS CHANGES**)

"The policy and intent of Garfield County is to consider the initial application for a land use which has been appropriately and completely made, or approvals of which are valid, including all subsequent applications or phases related thereto and amendments thereof, pursuant to Garfield County's Land Use Regulations to be a "valid development application" for the purposes of the Initiative. This policy will pertain only if said initial application is submitted to the Garfield County Planning and Building Department as of the date on which the 2000 General Election Ballot is certified by the Colorado Secretary of State, and is accepted as complete by said department as of or subsequent to said date based on originally submitted or supplemental information."

Mark - understood intent - but worried staff will be inundated with a large number of applications which would have to be determined complete by the date of the ballot initiative being certified - didn't think it could be done - no argument with suggested wording from a realistic point of view if that's the wording to be used - we have scheduled a joint meeting in Rifle with the Rifle Planning Commission discuss comprehensive plan issues and common interests around the Rifle area - will get together with Planning Commission, if Board decides to go ahead with Resolution changes, to set up another special meeting date.

Jim Leuthueser - very concerned - read part of the constitutional initiative:

"Valid Development Application' means an application that substantively meets all the rules for submission applicable to a proposal and that has been accepted as timely and complete by the local government regulating the use of land covered by the application."

Lockhead - can be read the way Jim is reading it - can also be read another way - yes, the application at some point must be deemed complete, but the initiative does not say when - what the initiative says, in two sections:

1. (in the definition of committed area) says application must be submitted
2. (in the exceptions to the initiative) says the application has been filed

Is there a difference between "filed" and the word "submitted" - can be read that as long as the application is filed by the date that the ballot is served and then is subsequently deemed complete, that it's a valid development application.

Stowe - if this initiative passes it may wind up in court on several of these applications - but we should give local attorneys and citizens the best tools to have a chance at winning their case - for that reason would like to proceed with the Regulation.

McCown - if this initiative had not appeared on the horizon, would there be anything wrong with our current application process that we use now - if not - would like to add a #6 to Jim Leuthueser's proposed Resolution, that with the failure of the passage of this initiative, this Resolution would become null and void on November 8th.

Chairman Martin - at that time also if you decide to make all kinds of changes in your PUD regulations, subdivision regulations, it would already be in process and the public would have to undo those.

Larry M. - that could still be done through the Regulation process - it wouldn't be done with a Policy Resolution - in essence, that's all this is - by doing this, it's changing the way our Planning Department is going to be doing business until November 7th - if it fails, there's no need to do that - we have a process in place.

Larry - yes - would address that at the time - seeing what the Regulation is - seeing what this and the proposed changes - would want it to have a sunshine date of Nov. 7th if the initiative failed.

Walt - if we do that and put that sunset clause in there - if it fails it doesn't matter - but if it passes with that Resolution in there, would it make it arguable that the only reason that that Regulation was put in place was precisely to do this and compromise the case.

Jim Lockhead - the BOCC won't really be changing its process - what this does is defines and marries the initiative with existing process - not making it easier on applicants, not changing application process, just giving a definition as to what and how the term "valid development application" fits with the existing regulatory structure - it's a good faith effort on the part of the County to give some certainty in a very uncertain situation.

Martin - opening the door to overwhelm the planning department.

Larry McCown - made a motion that the BOCC adopt the Resolution concerned with the statement of policy regarding the Citizens' Management of Growth Initiative incorporating into paragraph 1 page 2 the language that Jim mentioned, also adding #6 to page 3 of 5 with the failure of the initiative on November 7, November 8, this Resolution would be null and void; Stowe seconded; motion carried.

Walt - before we leave to we want to get a work/task force this week to work with our attorney and our planner.

Jim Leuthueser - the people are here - all willing to work.

Mark Bean - BOCC needs to make a motion to refer the proposed language to the Planning Commission for their review and comment prior to your hearing.

Larry M. - so moved; Walt seconded; motion carried.

Jim Leuthueser - asked BOCC for approval for Chairman to sign the Resolution once it's been formalized.

Larry McCown - should have included that in motion; Walt Stowe seconded

Chairman Martin - we have an addition to the motion for the Chair to sign; motion carried.

OTHER ITEMS

McCown - there will be a meeting tomorrow afternoon at Rifle City Hall regarding the Dog Pound Issue - we did contribute to Animal Shelter that's located up at CMC - do not need to decide on the amount but felt GARCO should contribute to a shelter in the west end of the County should the enforcement of the animal control ordinances ever become a reality - there would be considerable cost in transporting animals all the way to the other end of the County.

Chairman Martin - BOCC has not committed to a contract with the other shelter as a County - would like to participate in both ends of the County.

McCown will represent The Board.

Stowe stated he supported McCown judgment.

McCown - the way this is billed is interested in a Garfield County west end animal shelter - right now the present Rifle Animal Shelter is completely manned by volunteers and funded by the City of Rifle.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

AUGUST 14, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 14, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

1) Employee of the Month

Cathi Edinger - A key player for Building and Planning was awarded the employee of the month. Ed stated that she was nominated by four of her coworkers and they note that she takes extra work assignments in stride and is a tireless worker.

2) County Health Pool Meeting

Several employees have been experiencing problems with regard to payments. Ed spoke to Gail Chapman several weeks ago. There will be a face-to-face meeting on Tuesday, August 15th.

3) Consideration of Grant for Asistencia Para Lationos

Ed stated there is a special Human Services Board Meeting on Wednesday to consider a grant stemming for this group in conjunction to Sylvia Barbarra leaving.

4) Meeting with Department of Energy

Ed stated there is a meeting with the Department of Energy and Rifle where these two issues will be discussed: 1) Rifle needs to provide work scopes, and costs; and 2) DOE will provide by 9/10/00 the first draft of their proposal. This only includes water.

5) Pretrial Offender Assessment

Guy submitted a proposal. Dale and Guy have been gathering information on the position. Al Maggard were present to present the justification in requesting this new position based upon the daily jail report. The Sheriff went through the daily log to identify those in pretrial status.

The statistics showed: 106 in pretrial and the average stay was 15.9 pre trial status.

At the end of June 27 there was a total of 69 prisoners and were held 54 days.

Today shows 78 prisoners in pretrial hold.

A summary gave July 79 prisoner held in pre-trail.

Guy explained that Al completed a 3-day assessment; figures indicated the following results:

- a. 15.9 people per day in pretrial status
- b. Cost - \$993.73 per day; \$6,995.00 weekly; \$361,765 year (transportation to other jails not included)
- c. This is a cost-avoidance position – position would fund itself through the saving of current costs.

The offenders released under the Pre-Trail Assessment would be supervised and mandated reporting; could be ankle bracelet for which the offender pays the cost; and the offender pays the fees incurred for placement into this program.

The purpose of this proposal was to address these pretrial holds. They looked at the bondsman's report.

The Criminal Justice Board should work jointly with the bench to develop a criteria that would make both parties comfortable about prerelease of these folks.

Guy stated that Judge Ossola and Probation support this concept.

Guy referenced the proposal for the position noting that it would be under Guy's supervision, not under the Sheriff.

Revenue sources - Guy stated it will cost very little compared to the saving that will fund the position from what they are currently paying out at the present time. Two offenders supervision bumped up to a minimum of four a day and it brings it up to \$9,000 and it doubles the money back.

Through the supervision of the offenders, if they have the means, have them pay for the screens, home detention costs, day reporting, whatever the criteria comes forth from the Advisory Board, there are some revenue sources that will help.

Guy added that he realistically thinks approximately 30 to 35% of those folks are some that his department could work with.

Proposed budget - Guy submitted that the total cost would be \$40,000.00.

Guy said the staff position would be filled by advertising, bring them in and education and do some training. The person hired could also work down in Grand Junction in their very successful in their pretrial position. The day Guy and Dale reviewed that program, it was something like a million dollars in savings.

Guy summarized that this is a "cost avoidance" position.

This will save a big chunk of the Commissioners budget.

Guy stated the courts are with them. Judge Ossola was comfortable with the it and Al suggested approval based on a condition on having Judge Ossola sign off with respect to his support.

Al mentioned some of the pretrial prisoners are in other jails. A lot are DUI, Failure to and could qualify for released under the breathalyzer tests; ankle bracelets; and Appear supervision. Al stated one program was to teach these people on how to live. The Court can require them to do this and if they begin before court, it helps during sentencing.

Guy stated that ties to the community is an essential scoring on the risk assessment.

Al stated the misdemeanors possibly would qualify for this program. No domestic violence cases would be permitted into the program.

Chairman McCown stated he would like to see a letter from Judge Ossola on his level of comfort with this program. Otherwise it's a futile attempt if the judicial system is not going to support it.

Chairman Martin added that the Probation Department also must be in agreement.

6) Contract: Airport Navaid Maintenance

Ken Maenpa stated the annual contract does not have any changes. One benefit to us was for them to provide the testing for the equipment. Other than this, there are no other changes. Carolyn Dalghren has reviewed the contracts. Cost is \$1950 per month.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Airport Navaid Maintenance Contract and authorize the Chair to sign; carried.

7) Contract: Anaytica Environmental Laboratories, Inc.

Tim Arnett and Janice Louchs presented the contract by and between Garfield County and Anaytica Environmental Laboratories, Inc. for \$9,983.00 for Professional Services rendered. This is specifically for the contaminated soil in Rifle. Tim said the contract includes the lab to test all materials and soils.

Tim added that Mayor Selby was submitted a letter to this effect.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Anaytica Environmental Contract and authorize the Chair to sign; carried.

8) Year 2000 Objectives Update

Ed mentioned the Riding Area was ready for the Fair.

Survey of County Offices was changed until October 15, 2000 to give the results.

Animal Shelter

Commissioner McCown and Dale Hancock gave the report.

Dale stated that he ran a list of properties owned by the County in the west end for the Animal Shelter.

Commissioner McCown stated they wanted the County to run the shelter; he informed them they could expect similar assistance as the County did for Glenwood.

Discussion was held and one area as a potential was the Airport property.

Direction was given to inquire of the Animal Shelter staff and determine if the Airport property would work for their needs.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update. He requested an Executive Session to discuss: the latest update on the RTA Proposal; and litigation issues regarding the Town of Silt, Inter-mountain Oil and Gas.

38-12-301. CONTROL OF RENTS BY COUNTIES AND MUNICIPALITIES PROHIBITED

Don DeFord explained: The general assembly finds and declares that the imposition of rent control on private residential housing units is a matter of statewide concern; therefore, no county or municipality may enact any ordinance or resolution which would control rents on private residential property. This section is not intended to impair the right of any state agency, county, or municipality to manage and control any property in which it has an interest through a housing authority or similar agency.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

OPEN SPACE - NOTIFICATION

An application, by an outside entity by a group, was made. As with other applicants, it will be up to that group to provide the private notifications to all that it applies in the RE-2 District.

Don stressed that separate properties owned by the same individual could be handled as one notification. The notice is minimal and will simply inform the property owners that an application has been made to form a special district. He advised the Commissioners that it is an applicant's responsibility to prove notification.

Letter opting out: Those property owners who do not want to be included in this open space issue can send a notification to the Special District Committee.

COMMISSIONER'S REPORTS

Commissioner Stowe - Personnel Committee Meeting - 9:00 A.M. Wednesday.

Water power - 5:00 P.M. Wednesday evening.

Road Grader Competition - Thursday - 9:00 A.M.

Commissioner McCown - will be at the Fair all week.

Representing the County - Oil Gas Monday and Tuesday.

Chairman Martin - Mayor's Meeting on Thursday, 8/10/00 and mentioned they were reviewing the draft on land use applications and they will present an item to the Board as a draft and for consideration on Monday, Sept. 5 - 10:15 a.m.

TPR, the transportation meeting with C-DOT. He commented that it was very enlightening on where the money is going - priorities. Garfield County has zero number of items; City of Glenwood Springs a shock to find out that they don't have their plans in place. The list is available. He added that C-DOT is setting their next 5 year priorities within the next year or so. He commented that Board needs the engineering and planning offices involved in this process.

Tuesday, August 15, Spring Valley - 9 A.M.

Oil and Gas will be Tuesday and Wednesday.

And, MIS I-70 study continuing will be in Silverthorne on the 23 from 2:00 - 6:00 P.M.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

DISCUSSION: AFFORDABLE HOUSING ISSUES

Housing Authority Director Sheila Smith, Attorney Calvin Lee, County Attorney Jim Leuthueser Building & Planning Mark Bean, Housing Authority Member Tom Beard and John Schenk were present.

Jim Leuthueser gave the report.

38-12-301. CONTROL OF RENTS BY COUNTIES AND MUNICIPALITIES PROHIBITED.

Jim Leuthueser explained: The general assembly finds and declares that the imposition of rent control on private residential housing units is a matter of statewide concern; therefore, no county or municipality may enact any ordinance or resolution which would control rents on private residential property. This section is not intended to impair the right of any state agency, county, or municipality to manage and control any property in which it has an interest through a housing authority or similar agency.

Jim indicated that this is not a clear distinction and has provided the Board with copies of the statute. He advised the Board that it is the rental portion of Affordable Housing that has a high risk of being invalid. He suggested exploring other means of tackling this issue.

Discussion was held.

Tom Beard - Garfield County Housing Authority

Encourages the Board to stay on the same track and keep the regulations in place. Find a way to keep this housing available. The intent of the statute is not certain.

Calvin Lee - Attorney for Housing Authority commented that he has been struggling with the language and further explained the contractor's position of either providing units for sale or rentals or giving the "cash in-lieu" for providing in other location.

John Woosher of Aspen - said they are recommending, for existing rentals, that the City take a 1-100th interest in the unit and for all new projects to wait on the Legislature.

John Ely for Pitkin County said they are going beyond 1-100th . They are not taking anything. An interest is a covenant to enforce the deed restriction or covenant and the language if invalidated by the court, the developer will pay cash-in-lieu or a house for-sale.

Tom Smith - Attorney for the Pitkin County Housing Authority - he will be proposing Affordable Housing Units and he will keep Calvin Lee informed that he will say that he thinks the Resolution the County has is questionable as to whether a developer is required to comply with the Affordable Housing Resolution but he will say he thinks they are required and do the Affordable Housing component of their project, and they want to do rentals.

Direction to staff was to review and work into something they can live with and exercise some authority through the Housing Authority.

TREASURER: SEMI-ANNUAL REPORT

Georgia Chamberlain presented the semi-annual report to the Board. She requested approval and included in a motion to direct that she, as County Treasurer, publish in the legal notices.

The Tax Sale is November 8th.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept this and direct the County Treasurer to publish in the newspapers; carried.

FIRE BAN DISCUSSION

The Resolution 2000-36 was renewed on July 17th and it was once again presented for the Board's consideration.

Guy Meyer presented the wildfire 'red zone' report showing the State Forestry officials of acres rated as moderate to high hazard. Garfield County was listed a high percentage of being at risk and the said the report shows the acreage endangered.

The Sheriff's Office recommended to keep the fire ban.

Commissioner McCown moved to keep the Fire Ban in place and to review it once again on September 11; and authorize the Chair to sign the Resolution. Commissioner Stowe seconded; carried.

OTHER ITEMS NOT ON THE AGENDA

Additional Jail Construction Parking

Chairman Martin stated that the River District CO-Chair suggested the County look at using their property on Deveron Road as a parking facility for the Construction of Jail. If the County just indemnify them from any kind of accident for the use of that property that they will allow us to use it. He also spoke to the Haselden representative and he's real pleased and interested to see if this space is obtainable. Chairman Martin, Ed Green, and Don Harkinson will take a look to see if it meets his needs. If it does, then a recommendation will be made. It's within eye shot of the construction site. The parking area is badly needed as the subcontractors come in and consequently a huge parking concern. They are shipping from the Rodeo grounds but this will be a lot closer. The other Board members had no objections.

Naming Riding Arena

Chairman Martin stated the Commissioner promised Ray Cogburn, a fellow who had worked for the Extension Office and did a tremendous job, a long time ago to name something after him for his dedicated service. The suggestion came up that the County put his name of the new facility at the Fairgrounds - The Ray Cogburn Facility and he would like to look into this and see if it is possible. Commissioner Stowe recommended a committee to make recommendations instead of the Board handling it. He suggested having Toni Penton spearheading the committee and he also volunteered to serve as well. Chairman Martin suggested setting up a committee either through Personnel Committee or a volunteer group that would be willing to serve and present recommendations.

ENERGY IMPACT GRANT DISCUSSION AND PRIORITIZATION

A. CONSOLIDATED METROPOLITAN DISTRICT – ACTIVITY CENTER ACQUISITION

Welton Francis gave the presentation for support of the project. The project is to purchase the Battlement Mesa Activity Center from the developer controlled by Battlement Mesa Metropolitan District. The project will result in the Activity Center becoming controlled by the democratically elected Consolidated Metropolitan District Board. The property owners and voters who bear the cost of operations and maintenance will be in control of the facility. The purchase price is \$357,000 with a 75/25 match. It's the only recreational center in this valley. A great deal of meetings are held there each year consisting of oil and gas, etc. The building is worth \$75 million. The \$357,000 is the balance of the note. American Soda and Oil and Gas need and want as a voter-controlled district. The State was accommodating on the last one with Federal funds. This is a great plan and will add to the west end of the County.

GRAND VALLEY FIRE PROTECTION DISTRICT – RULISON SUBSTATION (FIRE STATION)

David Blair, District Fire Chief presented the project.

The project is to build a 5 bay steel building and associated parking facilities for 8 - 10 vehicles in the Rulison area in order to enhance current fire protection available to the residents and commercial interest in this area. The building will be 40' deep x 100' long and will be capable of housing equipment for current and future needs. The building will include a single non-potable water rest room facility, a small office of storage of documents, and a storage room for other materials. The rest of the building will be left open for apparatus. The building will be located along County Road 309.

It will have a single stall rest room. Drinking water will be available by a free standing water cooler.

Part of the grant to include a fire sprinkler system.

This requires a 50% match at the cost of \$236,198.00/each.

An new ambulance is planned to be added next year. They have a 1989 now.
Ballots were issued and the vote was:
1 = first choice Activity Center
2 = second choice Rulison Fire
The Commissioners advised both Welton Francis and David Blair that this is a ranking only.

CONSENT AGENDA

APPROVE BILLS

SET HEARING: SPECIAL USE PERMIT FOR WATER STORAGE TANK – CRYSTAL RIVER LIMITED PARTNERSHIP

SIGN ACKNOWLEDGMENT OF FINAL SATISFACTION OF SUBDIVISION IMPROVEMENTS AGREEMENT FOR RIFLE CREEK ESTATES, FILING 2.

A discussion of the bills was held by the Board.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the consent agenda; carried.

REGULAR AGENDA - BUILDING & PLANNING ISSUES - PUBLIC HEARINGS:

REQUEST FOR A SPECIAL USE PERMIT FOR A GUEST HOUSE. LOCATED: SOUTH OF SILT. APPLICANT: MARTIN & PAMELA YENTER

Don DeFord, Kit Lyon and Martin Yenter were present.

Don DeFord examined the notification, posting, and returned receipts and asked the applicant if all public lands as well as property owners were notified.

Don determined with the testimony of the applicant and review of the notifications and publications that everything was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit Lyon submitted the following Exhibits:

Exhibit A – Green and White Mail Receipts; Exhibit B – Proof of Publications; Exhibit C – Zoning Resolution; Exhibit D – Comp Plan of 1984; Exhibit E – Staff Report with Attachments; and Exhibit F – Application and Materials

Chairman Martin entered Exhibits A - F into the record.

Kit stated this is a request for review of a Special Use Permit to allow for a Guest House in the A/R/RD zone district for Martin Yenter. The site is located on approximately 10 acres south of the Town of Silt, 0604 Minieota Drive, known also as Lot 5, Mineota Ridge Estates, Subdivision Filing No. 2.

Kit explained that a single family home and garage occupy the site. If approved, the garage will contain an 800 square foot guest house.

Recommendation:

Staff recommends **APPROVAL** with the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.

That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage.

That the gross floor area of the guest house shall not exceed 1,000 square feet and that the length of stay of a guest shall be limited to thirty (30) days, unless said guests are the grandparents, parents, siblings, or children of the occupants of the primary structure.

That the guest house shall not be conveyed as a separate interest or leased. The primary purpose of the guest house shall be to provide temporary quarters for guests.

That it is the applicant's responsibility to comply with any applicable Mineota Homeowner's Association rules.

Applicant Input: None

Commissioner Input: None

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

Motion

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request by Martin Yenter for a Special Use Permit to allow for a Guest House with the conditions 1 – 6 in the staff report; carried.

CONSIDERATION OF SETTING: RTA IGA HEARING

A discussion was held regarding the setting of the RTA IGA Public Hearing. A decision was made to schedule this for September 5, 2000 on the Commissioners regular agenda.

Commissioner Stowe so moved and Commissioner McCown seconded. Motion carried.

RECESS

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until 9:00 A.M. on Tuesday, August 15, 2000; carried.

Attest:

Chairman of the Board

AUGUST 15, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, August 15, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M. and suggested rules of respect to each one as they speak. He informed the applicant and those in the audience of the procedure that would be following in the Public Hearing, then turn it open to the public. A five minute break on each hour.

PUD ZONE DISTRICT AMENDMENT FOR SPRING VALLEY RANCH (A.K.A. CHENOA)

Jeff Laurien, Don DeFord, Thomas F. Smith of Austin, Pierce & Smith, P.C.; President & Chief Operating Officer for Spring Valley Development Bill Peacher; Vice President of Development, Coleman C. Kicklighter; and CTL/Thompson, Inc. Project Geologist; Wilson "Liv" Bowden, C.P.G.; Design Workshop Bruce Hazard; and Jerome Gamba & Associates, Inc. Michael Gamba were present.

Don DeFord determined notification and posting by questioning the applicant Bill Peacher; and reviewing the publication and returned receipts. Upon completion of the noticing requirements, he advised the Commissioners they were entitled to proceed.

Chairman Martin stated the Board would accept the testimony. He proceeded to swear in the speakers. Jeff Laurien submitted the following exhibits: Exhibit A – Green and White Return Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984, as amended; Exhibit E – Garfield County Comprehensive Plan of 1995 for Study Area I; Exhibit F – Applicant's Submittal Package; Exhibit G – Staff Report with Attachments; Exhibit H – Impact Fee Work Sheet and Calculations Submitted by Applicant; Exhibit I – Letter Dated July 19, 2000 from Austin, Pierce and Smith; Exhibit J – Letter dated June 22, 2000 from Spring Valley Development, Inc.; Exhibit K – Letter dated June 22, 2000 from Spring Valley Development, Inc. with Attached Letters from CTL/Thompson; Exhibit L - Cul-de-sac Length Waiver Exhibit from Applicant; Exhibit M – Draft – Spring Valley Ranch PUD Wildfire Hazard Mitigation and Vegetation Management Plan and Wildfire Hazard Analysis; Exhibit N – Spring Valley Ranch PUD Lot Geologic Hazard Evaluation; Exhibit O – Information Submitted by County Engineer; Exhibit P – Springs Valley Development Response to Planning Commission Recommendation; Exhibit Q – PUD Zone District Map (Exhibit 17 in Application) Revised July 31, 2000; Exhibit R – Revised Dimension Plan (Map 2, 3, 5 and 11); Exhibit S – Revised Spring Valley Ranch PUD Zone Districts; Exhibit T – Average Annual Precipitation in Vicinity of Proposed PUD Map; Exhibit U – Letter from Larry Gephart received August 11; Exhibit V – Package from Austin, Peirce & Smith dated August 11, 2000; Exhibit W – Letter dated July 6, 2000 and August 14, Jeff received August 14, 2000 from Lois Veltin; Exhibit X – Letter Dated August 4k, 2000 received August 14, 2000 from James D. Peterson; Exhibit Y – Glenwood Springs #2, Colorado, Monthly Total Precipitation Table; Exhibit Z – Letter from Austin, Pierce & Smith dated August 14, 2000; and Exhibit AA – Letter dated August 14, 2000 from Barbara Hurwitz. Chairman Martin entered Exhibits A - AA into the record. He commented that each person desiring to give public input should sign up on the sheet outside the door. This sign-up sheet

Jeff Lauren stated this is a PUD Zone District Amendment for Spring Valley Ranch (a.k.a. Chenoa) submitted by Spring Valley Development, Inc. on a 5,948.277 + tract of land Located in the Roaring Fork Valley west of Missouri Heights above the towns of Carbondale and Glenwood Springs. The access is County Road 115 via Highway 82, and County Road 115 via County Road 114 (CMC Road) via Highway 82.

Project History

In the 1980's, a Sketch Plan was submitted and approved as part of the original PUD, zoning and subdivision application. This request is to amend the existing Planned Unit Development zone which was approved by Resolution 84-126, and 84-127, and then subsequently amended by Resolution 94-135. The existing PUD zoning and Sketch Plan allows for 2,750 dwelling units, a neighborhood commercial center of 150,000 square feet, 35 holes of golf and 3,270 acres of common open space. Since the 1980's, a Preliminary Plan has never been submitted to the County, yet, the PUD zoning remains. The approval of the existing Spring Valley Ranch PUD was expressly contingent upon the conditions listed in Resolution No. 84-126 being satisfied.

For several years the applicant worked towards acquiring a water supply plan which satisfied condition number 1, above. In 1994, the applicant had finalized the water supply plan but needed an extension in order to prevent a lapse of the approval of the approval. By way of Resolution 84-135, an extension was granted by the Board of County Commissioners.

Currently, the applicant could choose to meet the conditions of the existing approval and proceed to Preliminary Plan under the current regulations. However, the applicant has opted to submit a new, amended PUD and sketch plan instead.

An application for a PUD amendment and Sketch Plan was reviewed in 1999, and was recommended for denial by staff based on critical concerns for water, and geology/geotechnical issues and major concerns for internal circulation, traffic impacts and wildlife issues. As such, the applicant chose to withdraw their application to address these concerns and other relevant issues. This application is the submittal from the applicant to address staff's previous concerns and apply for a PUD amendment and Sketch Plan.

DESCRIPTION OF THE PROPOSAL

Most of the development is concentrated at the center of the property, on a plateau. Two entrances into the project are proposed: One about ¼ mile east of the intersection of CR 114 and CR 115 (main gate house) and the other located on CR 115 at Landis Creek, which is a deeply incised perennial stream. The property is composed of mountain shrub lands, aspen woodlands, and cultivated agricultural lands. The terrain faces a southwesterly direction and ranges from gently sloping to very steep.

On Page 3 of the Staff Report, Jeff reviewed the zone district including the number of units/acres and % of total acreage.

He added that this will yield a total of 577 dwelling units and 20,000 square feet of commercial space on 5,948.277+- acres. A total of 75 affordable dwelling units are included in the R/C/M.U. (Village Center" district. Two (2) Fire/EMS stations are proposed with the Metro District. The project proposes 6 phases to be completed from April, 2001 to April, 2006 (5 years.)

Page 24 of the Staff Report and Section 5 of the Major Supply.

Jeff alluded to the comments received from the various entities: Mt. Sopris Soil Conservation District; Glenwood Springs & Rural Fire Protection District; Carbondale Fire District; Colorado Department of Public Health and Environment; Colorado Division of Water Resources; Colorado Geological Survey; Colorado Department of Transportation; Colorado Division of Wildlife; Colorado State Forest Service; Garfield County Road and Bridge; Spring Valley Sanitation District; Sheriff's Department; United States Forest Service; and comments from consultants retained by Garfield County to review the application: Art Hougland (Fire Safety); Nick Adeh (Civil Engineering); Chris Manera (Waste Engineering); and additional comments from the County Engineer.

Jeff continued to highlight his staff report by noting the relationship to the Comprehensive Plan; Major Issues and Concerns – Water Supply, Best Management Practices for Golf and Common Area, Zoning, Roads, Soils/Geology, Wetlands, Fire Protection and Emergency Response, Vegetation, Drainage Plan, Wildlife, Radiation, School Issues, Road Impact Fees, Phasing, Utilities, Affordable Housing, Archeological Sites, Open Space, Waivers, Variances, Trails, and Other Issues.

Planning Commission:

That the meeting before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at the meeting.
That the proposed PUD Amendment can be determined to not be in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.
That the application has not met the requirements of the Garfield County Zoning Resolution of 1978, as amended, specifically Sections 4.07.03(2), and 4.08.05(7)(e)(iv).

Staff recommended **DENIAL** of the proposed PUD Amendment to the Planning Commission based on the following conditions:

That section 4.07.03(2) and 4.08.05(7)(e)(iv) of the Zoning Resolution of 1978 as amended which pertain to street circulation and access for police and fire protection; and natural hazards (geological/Geotechnical issues), have not been complied with by the application submitted.

Planning Commission Recommendation:

At a special meeting of the Planning Commission on Thursday, July 7, 2000, the Planning Commission recommended **APPROVAL** of the proposed PUD Amendment with the following conditions:

1. Before Preliminary Plan, the applicant must have an agreement with the Glenwood Springs Fire Department to provide fire and EMS services to the subject property, or the applicant must develop a District to handle fire and EMS.
2. No new open hearth fireplaces be allowed with the development. In other words, deny the applicant's request for a variance to County regulations to allow four (4) new open hearth fireplaces within community use facilities.
3. Any modifications to the water supply plan be completed prior to preliminary plan.
4. Future use of additional wells, (Gamba wells) would require the development of water rights and well permits.
5. Available surface water supplies be used to their fullest extent to provide the irrigation supply to the golf courses in order to minimize groundwater withdrawals. A groundwater monitoring plan be developed to monitor future water levels near the Spring Valley Ranch wells. The monitoring plan should include water level measurements in the production wells and other wells at the PUD that can be used as monitoring holes. The monitoring plan should have measurements made with enough frequency to observe seasonal groundwater fluctuations and long term groundwater trends. Results of the monitoring program should be available to the public.
6. The conditions of the Division of Water Resources be complied with which include: (1) The claimed water rights are dedicated to the project, and (2) The plan for augmentation is operated according to decreed terms and conditions.
7. For Preliminary Plan purposes, the applicant needs to clarify whether or not the 43.9 acres of irrigated area for residences is sufficient and how this limit will be enforced. Further, irrigation procedures of the golf courses and the hay field (agricultural uses) needs to be clarified with specifics in the occurrence of a drought year. These will be conditions of any approval.
8. The use of treated waste water by the development be mandatory once it is available.
9. The report guidelines included in the applicant's submittal titled, "Best Management Practices for Spring Valley Ranch PUD Golf and Common Area" be incorporated into a final plan prior to preliminary plan submittal. In addition, the monitoring plan be controlled/implemented by the Home Owner's Association or another body capable of managing the plan

Staff Recommendation to the Board of County Commissioners

Staff recommends **DENIAL** of the application based on the following:

1. Based on the report from the County Engineer, this application does not comply with Sections 4.08.05(7)(e)(I) (adequate water); 4.08.05 (G) (impact to wildlife); 4.07.03(2) (internal street circulation); 4.08.05(7)(e)(iv) (geologic hazards); 4.08.05(7)(e)(iii) (drainage); 4.05.02 (waivers); and 4.08.05(2)(d) (major internal circulation systems), of the Garfield County Zoning Resolution.

Chairman Martin called for Special Districts, Divisions, or anyone who wished to provide input for the staff report.

Mike Piper, Glenwood Springs Fire Department Chief stated the Fire Department and the Development are looking at future annexation of these properties.

Jim Sears, Garfield County Sheriff's Department summarized the development would increase traffic concerns on CR 114 especially during the winter months, however they were willing to go ahead with the development plan as it was submitted to them.

No other agencies presented.

Applicant:

Bill Peacher President of Spring Valley Development, Cole Kicklighter Vice President of Development for Spring Valley Development and Attorney Tom Smith, with Austin, Pierce and Smith and the consulting team responded to specific questions. Bill said their Agenda today will be first of all bring the Commissioners up to speed on what has happened since the withdrawal of their application back in December 1999. Secondly, Bruce Hazard with Design Workshop will explain how they arrived at the current plan that is before the Board today in the application. Then they would like to address the issues of denial that have been reported today by Jeff Laurien and end with an overall summary based upon the presentation that they make.

The original amendment to the existing PUD was filed in May of 1999.

Bill Peacher continued to give history as in the staff report. (Permitting Process History and Background including issues of water, wildlife, geology and wildfire.)

On Water - no negative impact, Peter Elsa of TNK addressed water as the first concern.

Chris Manera - suggested to do additional testing to prove the adequate physical supply, tested upland wells. Developed a new production well and an extension test using that data for the study and said a hydrological study by provided by Gamba and Associates.

Janice Louchs - Retained HRS out of Denver to review the work of all those consultants on the issue of water.

Eric Shillor on Wildlife said they had worked with DOW to deal with those concerns. Preserve winter range, relocated building lots and rearranged golf lots. Conservation area includes all ranch lots; 2400 acres of land in addition to the overall open space.

Geology - additional testing was done for the ranch lots. Additional physical and water tank location, then created a geologic hazard impact study.

Fire and EMS - There was a concern for extra storage capacity and therefore it was increased to ensure adequate fire flow, sprinkler requirements, hydrants; spoke to Ron Leach and Mike Piper fire chiefs in Carbondale and Glenwood Springs.

Road design and Access - Increased road widths and turnouts/turnaround to every 600 feet. Letter of intent with Glenwood Springs Fire Department and provide fire protection services while working on the annexation into the Glenwood Springs Fire District.

Applicant Summary

The plan was completed and reevaluated. Additional testing was completed with respect to water, geology and finds they are in accordance with the Comprehensive Plan. On May 1st the plan was deemed complete. It is better now than at the first.

Bruce Hazard - Land Plan was done before they purchased the property.

Goals and Objectives:

Create a low density residential and Recreational Community

Preserve the Natural Environment

Provide Community and Commercial Services

Be sensitive to Wildlife

Provide Recreational

Provide Diverse Housing Opportunities
Look at reliance on Garfield County for Services
Public Safety - Fire and EMS Consultants
Emergency access Road Design
Water
Fire Stations
noncombustible Material
Defensible Space Requirement
Adjoining Neighbor Concerns
Eliminate Meadow Lots
Minimize View Constraints
Balancing
Build out
Phased Development
Long-term Involvement and Commitment - 10 - 15 years to build out is complete
5 years of Infrastructure included in the Planning Process
Existing PUD versus 35 acre plans
Constraints Analyzed
Topography and Slope
Geology and Geologic Hazard
Archeology and Cultural Resources - Sent letters to the UTE's
Soils - how the type of chemical and physical and proposed usage
Drainage
Hydrology and Aquifer - an extensive plan and review with Gamba and Holland and Hart. Aquifers at various elevations.
Wildlife - HRS maps - verified with own consultants
Vegetation in the Spring Valley Floor is mostly native grasses

A map of the Valley floor; steep roads; upper bench; dry nonagricultural; and steep slopes were submitted for the Commissioners.

The applicant provided a summary of developable land showing on the map the dark areas were no development and the lighter areas can be developed with mitigation.

Submitted a specific map that identifies green and red building areas. Red ones needed to be looked at with mitigation. Map - containing the cabins; areas to remain agricultural area and wetlands. Out of valley floor is the commercial valley center; and the fire and police station.

Office zone district is 9 or 13 acres. This is the access of it and a small sales for control.

More discussion regarding the upper middle bench, golf course, club house, tennis courts, the south and north golf courses with the expressed goal to minimize the impact to the areas. They states there is between 200 - 300 acres designated for golf courses. Buffer areas are left as it is today. They explained how they were planning to eliminate irrigation and their best management practices including a strong approach to provide the chemical applications on the golf course. Chris Manera reviewed and found these chemicals to be environmentally safe. This is proposed to cover all the common area open space.

A map showing The Village Center; Access from County Road 115 and 114 with 20,000 of Commercial, Deed Restricted with 75 Affordable Housing Units; Regional Recreational Park; a Ball Park with Parking; Metro District Office; and an Equestrian Area. Another map was posting showing the Open Space calculations of 1700 acres and 28% of total PUD; Ranch Lots; 1 acre building lots; 1/2 to 2/3 lots, and illustrations that this include 48% of the total property; a

Chart showing the comparison of existing PUD in 1994 and today's submittal.

Other visual included: Community Benefits, Visual Valley Floor, Employee Housing, County Trust Fund/Stewardship Improvement, Wildlife/Trust Fund/Stewardship, Fire protection, Recreational facilities, Convenience Services, Energy Conservation, Water Conservation, Economics - analyzed internal and Best Management as related to Wildlife.

Bruce continued with the applicant's presentation. The Best Management as to potential impacts to wildlife are included in the proposal for the preliminary plan; an annual baseline review; historical operations and how they become the baseline; how to use pesticides and herbicides saying the initial startup of golf courses will be when the most chemicals are applied.

The application of those occurs early on as the golf course becomes mature will be integrated.

Attorney Tom Smith with Austin, Pierce and Smith - commented on issues of greatest concern to staff throughout this process particularly issues that form the basis for the recommendation of denial. All the development's consultants were present and provided further explanation and answers to the questions on these issues by the Board of Commissioners.

- ii *County Code* - to set a basic framework for the consideration of our application and in particularly these issues of major concern. The first thing to note in respect to the issues that have been raised by the County Engineer, the County Code Standards are very general, as you'll see as we go through the individual issues.

In some cases there are no specific standards at all on the issue of *wildfire*. Virtually Mr. Smith stated that there is no reference in the Code with reference to wildfire; therefore on all of these issues where there is no specific codes standards, they retained experts in the various fields to apply the standards of their professions to the various aspects of the application. In each case prior to submittal or prior to the Planning and Zoning Commission's review of our consultant reports, they were subject to review by other experts, either peer review by experts retained by the applicant such as HRS Water Consultants reviewing the work of Wright Water Engineers and/or additional consultants retained by the County through the Planning Department.

The issue of water - Chris Manera and others were contracted to advise the County providing another level of review and in addition there are a number of government agencies who have reviewed and commented on the application.

Until the time of the County Engineer's recommendation of denial, there has been general agreement with the recommendations of our consultants as reflected in our application with the exception of a couple specific issues which we'll talk about. So that's just a summary to tell you why you'll hear about the standards in the various fields of expertise such as water and geology, etc. because the County code being silent and on some of these issues we have utilized industry and professional standards in the various fields. The second point he made was in terms of the framework has to do with the fact that this *PUD Amendment Application and not a Preliminary Plan Application*. We had considered filing a combined PUD and Preliminary Plan Application but *because* the Spring Valley Sanitation District Site Application for construction of the wastewater treatment facilities is slowly working its way through the State approval process and since that is such a time consuming and lengthy process, and we were told that would be a prerequisite to Preliminary Plans submittal, we decided to go ahead with the PUD Amendment application. And we think that's significant because that's means the level of detail required for Preliminary Plan does not apply in this case where we are seeking merely PUD Amendment. Mr. Smith added that they'll be back later if we obtain your approval with the Preliminary Plan application to address many of these issues at a greater level of detail. And as shown up on the screen, I'm sure you're aware the Section 4.02 of the Code identifies the purposes of PUD's and the fact the concepts of flexibility in design and that the focus is on conformance with the Comprehensive Plan are major aspects of consideration of a PUD Zoning Application as opposed to a Preliminary Plan Application which gets into a greater level of engineering detail. Further reference was made to Section 4.05.02 of the County Code for a PUD.

When we went to the Planning Commission the staff recommended denial based on two issues. Those two issues were *internal street circulation* including the issue of emergency access and the *issue of geology*. Mr. Smith reiterated some of the points made with the Planning Commission. Additionally, they focused at that time on the issue of water because water is of great concern to everyone and a primary issue with any development application particularly one of this scope. Also, comments were made on the letter from the Colorado Department of Transportation regarding off-site roads because that had come in late and we felt that it was important to address that.

On those issues starting first with the *fire EMS and internal street circulation issues* - this is what your code requires and that is an adequate internal street circulation system and it does not include an identification of what's required to have an adequate internal street circulation system even with respect to the standards. He stated that in Subsection 1, a practical solution can be achieved there with deviations from the technical requirements of the code. There are no County requirements specifically for fire and EMS. Nor are there specifically referral agencies identified. And so the fire and EMS plan was developed based upon the cooperative efforts of our consultant Steve Crocket in consultation with Art Hoagland who was hired by the County; Mike Piper who spoke earlier, Chief of the Glenwood Springs Fire District and Ron Leach of the Carbondale District; and all of those individuals met to

review and consider and help us develop an appropriate fire and EMS mitigation plan. They applied National Standards in the development of that plan.

The framework for implementation of that is to either annex to the Glenwood District, if feasible but since we can not control the Glenwood District ultimate decisions, we have committed to forming our own Metro District as maybe necessary to make sure we have on site fire protection services.

The Infrastructure for *fire protection* namely water and roads meets or exceeds all applicable standards in the field. Mr. Crocket was present to address that issue as may be necessary.

From a fire and EMS standpoint the issue of a *3rd access road* through the project is not an issue. There is no standard or requirement or recommendation that that the 3rd access be provided for that purpose.

Obviously we have an issue with respect to the adequacy of our street, internal street circulation, which we will discuss in connection with that.

The summary on that issue is that basically, number one, the Planning and Zoning Commission as we understand what happened, although we don't have the Minutes yet and this is an issue we're trying to get straightened on but our understanding was the Planning and Zoning Commission did not make that a recommendation for the 3rd access.

The County Code doesn't have any specific requirement as to the number of access points that have to be provided. This is an issue on which we have relied on the opinion of the experts in reviewing the adequacy of internal street circulation. There is no standard engineering practice that would require more than 2 access points through this project and we think it's very important to note that with respect to both the 114 access and the Landis Creek Road access, these roads will be operating below capacity at full build out and that therefore from a traffic standpoint, the 3rd access road requirement for a 3rd access road can't be justified. In addition it's very important to consider the impacts associated with building that road. There will be wildlife impacts because of location of the road; it would need to be constructed on steep slopes; there would significant geologic detriments associated with that and the visual impacts would be substantial from a great distance. Therefore, it's our view that if the road isn't necessary we should not be required to build that road and have those secondary impacts.

With respect to other aspects of street circulation, all *internal roads* are designed to meet the underlying standards, some variances are requested. Mike Gamba is prepared to talk about those - are basic position is that all of the variances requested have been explained and justified in some level of detail. The County Engineer's recommendation of denial are not supported by any specific discussion as to why they should be denied other than a general reference to County Standards and ASHTO Standards. We have taken an exhaustive review which we think justifies the granting of those variances. As I mentioned with respect to the 3rd entrance where it is adequate capacity at full build out on the main road to the Landis Creek Road, the main entrance will operate 75% of capacity - Landis Creek at 38%.

With respect to *geology*, our basic conclusions and CTL Thompson's basic conclusions are that first no geologic or geological technical constraints preclude development as proposed in this application and we are aware of nothing to contradict that conclusion. All lots are buildable including the wildness cabins because they either have no hazards or they hazards that can mitigated. And that is true with every element of the project. Thompson referred in its application to additional studies. And the reference to additional studies continues we think to be misconstrued or misinterpreted. The additional studies that CTL Thompson has recommended and there here to talk about this, are only necessary in connection with construction design after building envelopes are identified on the individual lots and design has been initiated for the improvements to occur on those lots. We have done everything we can up this point to identify the hazards and we are satisfied that all hazards can be adequately mitigated, contrary to some of the information you have from the recent consultants retained by the County engineer. There's full documentation of the hazards and the mitigation that will be necessary to mitigate hazards where they are encountered as a result of site specific design and construction considerations.

The additional studies that CTL Thompson has referred to will not result in the need to amend this PUD application. And on that point we disagree with staff.

The *C-DOT letter*, we disagree with their statement that the is operating at or near *Hwy. 82 and Hwy. County Road 114 Intersection* capacity. They do not refer to any data or studies and we have determined they have no studies on which to base that conclusionary statement. Our conclusion is that the intersection is operating at level service B at this time based on specific observations and traffic counts and that it will operate at or below level of service D through 2020 if my date is correct. The

approval of this PUD does not generate the need for an upgrading or for a grade separated interchange at that intersection and we have proposed improvements that Dave Whatnot can discuss that will mitigate the impacts of additional traffic to be generated by Spring Valley. If additional improvements are to be necessary at that intersection, it's going to require the cooperative effort of the County and other developers because the ultimate need for an upgrade at that intersection is not the sole responsibility of Spring Valley Development. And on that point, I want to add that our contribution or the expenditures that will be made by Spring Valley Development for off-site road improvements - the calculated impact fee was approximately \$800,000. That's what the County is authorized to require in terms of an impact fee. The expenditures that will be made by Spring Valley for road improvements, primarily on off-site road improvements, are merely County Road 114 will 3 times that amount. And so it becomes a question of how the County wants to allocate the limited resource. It could be allocated as the County may wish.

The need for improvements to Red Canyon Road, CR 115, the applicant stated they could contribute to that if that's what the County wants to do. We will pay our fair share, but it means that resources are drawn from improvements to other roads. Because it's not a bottomless pit of impact fees or obligations that this developer incurs. We understand on County Road 115, the County Commissioners have made the determination that that road is not to be included on your capital improvement plan. If it were, we'd contribute that in fact we have discussed with staff and originally suggested some alternatives that we could participate in terms of limited improvements to that road. We would still do that if there's a comprehensive plan for improvement of Red Canyon Road but to date there is not. We think the contributions to off-site road improvements are extensive and go beyond our obligations.

With respect to *water supply*. This issue has been studied by no less than 5 entities. We have Wright Water Engineers, originally retained by the applicant; HR Water Consultants were retained for a peer review; the County retained Chris Manera to advise County staff; the State Water Engineer has also reviewed the application; Holland and Hart acted as Water Counsel for the applicant on this project. In every case the entities who have input into this application have determined that the water supply is physically and legally adequate for the uses proposed for this project. In the application, at the time we went to the Planning Commission, there was no recommendation of denial from the Planning Staff on the issue of water. The water supply issue was the primary reason that we withdrew our prior application at the end of 1999. Staff had raised issues about the adequacy of documentation regarding physical supply of water. We withdrew the application and our goal was to satisfy the County on this issue. The Planning commission and planning staff were extremely cooperative with us in identifying the perimeters for additional studies to be done in order to demonstrate that we had a physical supply of water. We did what was required. There are now some statements from the consultants recently retained by the County Engineer that we didn't adequately document the water supply issue. We have to strenuously disagree with those statement, both on their merits, because we think their statements do not adequately a full consideration of everything that was contained in our application and because they failed to take into account the fact that there was a clear understanding among all the entities involved as to what studies would be performed in order to make that information adequate. In its simplest terms, our conclusions on water are that there first there is approximately 20,000 acre feet of annual precipitation in Spring Valley area that we will assume conservatively that 15,000 acre feet are lost to evaporative transportation. That leaves 5,000 acre feet of water totally diversions from Spring Valley at build out, existent users and anticipated future development, by our calculation it's approximately 1300 feet, well below what is available based on annual recharge of the aquifer. The aquifer in addition has a storage capacity of somewhere from 60,000 to 100,000 acre feet at the lower end, 60,000 - we're looking at what would be approximately 60% of Reudi Reservoir decreed capacities.

The issue on *precipitation* - you have additional information on that today, additional information was generated at the time of the Planning Commission Meeting. Experts addressed those scenarios and Mr. Smith added that there is a more than adequate supply.

Simultaneous pumping tests - the consultants explained that these additional tests would be extremely difficult from a practical standpoint to perform and most importantly they would not provide any greater level of certainty than we already have with respect to the adequacy of the physical supply. We are in agreement with the recommendation of planning staff and Planning Commission to monitor

ground water in the area and we will do that so that problems, if any, that are encountered can be addressed.

The *Planning Commission recommended approval* of this application unanimously with a list of conditions that are included in your packet. We are in agreement with these conditions as recommended by the Planning Commission except that the wording on a few of those we believe should be clarified and subject to further discussion if the Board makes a determination to accept the recommendation of the Planning Commission and to consider their proposed conditions.

Planning Staff has recommended denial based on the recommendations of the County Engineer and those recommendations are based on the information received from these consultants who as you will see we do not believe have made full and complete review of the application or accurately understood what is contained within it.

With respect to *cul-de-sacs*, the code specifically allows this Board to grant variances for longer cul-de-sacs provided that safety and engineering, best engineering practices are complied with. And that's exactly what we have done. And as you have heard from Chief Piper from a Fire and EMS standpoint, the length of the cul-de-sacs is not a concern despite the concern raised by I believe Burlstone one of the consultants to the County Engineer. Given my limited amount of time, I will not dwell on the *issue of drainage*. I would merely refer you at this point to a statement of Chris Manera who was the County's own consultant on this issue "we believe that the current drainage plan demonstrates the ability to mitigate the impacts of increased storm water runoff to protect downstream property owners."

Mr. Smith mentioned briefly the *issue of waivers* from County Road Standards, we believe that the County should consider this on an integrated basis that road design is not a matter of looking at individual standards and individual criteria so much as the totality of the road design and how one factor affects another and that. In our view the variances we have requested reflect an integrated approach in which safety is not compromised. And our analysis is extensive. Mike Gamba's prepared to discuss it. While the County Engineer recommends denial on this basis, there is simply no discussion as to why the individual variances are insufficient and again, Nick Adeh previously consulting with the County on this indicated that or stated that the variances, the waivers were acceptable from an engineering, best engineering practices standpoint.

Golf course maintenance and ISDS - Bruce Hazard talked about the golf course management. On ISDS, a Special District would be formed to maintain and monitor ISDS systems. We think that's consistent with what the State wants, the recommendation from the County Engineer that it be managed by the Homeowner's Association. We can do it that way, but it is our understanding that as proposed have a quasi-govenmental agency do that is preferable because of the stability of the agency involved.

PUBLIC INPUT

Chairman Martin swore in the speakers and gave the rules of 3 minutes each but said someone can accumulate extra minutes if you are speaking for 5 people, etc.

Michael Berkley spoke in support for the project - but expressed concerns regarding the Village Center saying he would like to see some modifications.

Troy Lang an adjacent neighbor was concerned regarding a 3rd access road saying he felt it would be detrimental to the appeal of the valley due to the scarring of hillside.

Patty Frederick - donated her time Jim Austin.

Jim Austin - commented that there were many issues to be resolved and these have been addressed in letters to the Board of County Commissioners - he recommended denial in the present form of the application and had three main concerns: 1) mitigation to protect adjacent Spring Valley residents on the issue of water; 2) commercial zone not be included; and

3) all utilities sized for future expansion. He continued saying he would like to see the development participate on improvements to CR 114 from Hwy 82 suggesting a climbing lane.

Michael Sullivan - addressed CR 115; represented Spring Valley Caucus which is a 40 member group of home owners in that area. He spoke on 1) water, mitigation on existing water systems to protect exist water levels; 2) Road Issues - CR 114 and Hwy. 82 saying that C-DOT commented that intersection was already at capacity and further construction will take it below Grade F; and 3) the comments the applicant made as to unimprovements to CR 115. Unless the County has this outlined in their capital improvement plan there was little to force Chenoa to improve it. He asked the Commissioners to please consider construction traffic impacts to the current roads in the area.

Kim Reed for *Scott Manapula* voiced support for the PUD adding that development is inevitable and this project will compliment wildlife. The developers are presenting a plan that was well conceived and adds benefits to the only alternative for this property which is in Senate 35 that allows owners to sell land in 35 acre parcels and furnish access. This would be devastating and therefore said it would be wise for the Commissioners to approval it.

Joe Zuena - Eagle Resident - spoke and also submitted a letter of support from William A. Bonds - both were saying it was a good project highlighting that growth and new development has helped sustain the economic state of this valley.

Roy Reed - donated time to Pete to read the letter.

Pete Cabrinha - read the letter written by Joe Infacelli and admitted as an Exhibit. The letter complimented the development adding that the developers produced a plan that addressed the geological constraints, and recommended approval.

Andrea Holland Sears - concerns regarding water both quantity and quality and would like assurance that this development will not cause present owners to compromise. She suggested a reduction in household numbers and water on golf courses, eliminate commercial, pay attention to water resources by requiring the developer to continually test wells and control production rates under draught conditions. Other concerns included traffic on CR 114 and 115 with the additional 500 homes, golfers, construction workers, etc. and ultimately would like to see the Commissioners deny this present plan and ask the developer to further address these concerns.

Suzy Ellison - recognized this plan being very different from the previous proposal, but quoted "If You Give a Moose A Muffinhe'll want more and more." This was with respect to other developers that have property and development plans and cautioned the Board in setting a trend. She asked for denial and have the developer address their concerns.

Larry Gephart expressed his concern for wildlife, two golf courses, water, traffic and no buffer zones for ranches. He urged the Commissioners to step back and take a hard look at the issues.

Mr. Nislanik dedicated his time to Bob Boyle.

Bob Boyle owns acreage off Heather Lane and pinpointed his concern over the County denying the need to improve the Red Canyon Road since this is a major access in and out of Spring Valley from Glenwood. In addition he highlighted the traffic concerns, no police enforcement in the area, water issues, overkill of two golf course and a basic concern of the well users of water with respect to the potential of pollution in the ground water before it works into the aquifer (Rifle). He referenced lighting pollution and requested the Board consider these concerns.

Pete Simmons - Red Canyon Ranch and spent 11 years in local government as a review agent. Therefore, he listened and gained an understanding of the NIMBY Complex. This developer has answered all questions and addressed the concerns with experts. Growth is inevitable and he prefers this over all others. The alternative of 27000 homes and 35 acre parcel splits is a concern. He commented that the Commissioners are bright and have genuine integrity and will see all that is proposed and therefore realize what is before them and vote unanimously to approve the development.

Roger Wilson - said he sees and hear s the trucks and traffic, is aware of the dust, scars from construction and even though he recognizes development, the potential volume scares them going up CR 115 and could turn into a constant traffic concern and continuous roaring. He asked the Board, if it is approved to request something that is enforceable to limit truck traffic along that road and perhaps fine by license plates. Lights are also a concern and suggested that mitigation would be wonderful. On water issues he would like to see the golf courses be eliminated from the use of water in case the aquifer is low and do not allow until it is filled once again.

John Wing said he own property that sits in the middle of Spring Valley and said he is affected as anyone, however he was in support of the project. Believes this is a good and adequate plan and the developers have a team in place that will be responsible as to development. He referenced the developer has two choices - 35 acre splits versus this plan - the 35 acre plan is much worse. He asked a question of those who object: are they willing to build the infrastructure - roads, etc. This team will get it done with proper guidance by the County. None of the projects are perfect. Urged the Board to approve and hold the developers' feet to the fire to develop the way they have proposed.

Donnalyne LaGilia - her concerns were for water, the equestrian trails, and potential for noise for the next 5 - 7 years. Her ranch house is 100' from this project.

Lois Veltus - Red Canyon Road address. She said the residents are concerned over the effects of additional development on water supply and quality. She said it looks good on paper and the Spring Valley

Development team assures everyone that they will put in place a water mitigation plan in case there is injury to existing home owners' water. She requested a water mitigation plan. She has Chenoa on two sides of her property and commented that she's been a Garfield County tax payer since 1954; she's award of the County's regulations and zoning, and comp plan, plus she read page by page the Chenoa plan. Learned Uses by Right that were approved by Commissioners and has been zoned. Zone Districts can be revised in 2 ways: zone district includes commercial and other residents have addressed that they don't want the general service area to include a gas station, store and a car wash. The area residents do not want a 7-11 saying these are provided at CR 114, this area does not need a proliferation of commercial. One primary concern is about the 13 acres in size for commercial development with 40 spaces for parking. This was explained as being set aside for a real estate office and construction - this is her west boundary line. In a plan in past the road was placed differently. Their own vehicle study shows 600 vehicles per day. She urged the Board to address: the access relocation; commercial eliminated; general services area to reduced in size; mitigation for existing wells, and open fireplaces denied.

Don Sullivan said he has watched the development over the years and was glad not to see the 2400 units. He's very happy to see the present plan of Chenoa and thinks it shows great planning, addressed the roads, sheriff, fire, wildlife and that the developer has dotted all the i's. He was not so sure the 7-11 store concept is needed in the area.

Carol Koris - submitted a letter from Bob and Carolyn Chamberlain and photographs of the area as it presently looks. She said she is a close neighbor and has concerns such as: local water, route of travel, and quality of life. Local rainfall has not replenished the water. Nearby wells indicated that participation continues to be low. She has the following reasons for denial the same as she did for Sander's Ranch: traffic saying that the CMC Road, CR 114 has a daily traffic jam to Hwy. 82; CR 115 is a dust board and would like to see speed controlled on CR 115. She added that to date there is no money to grade CR 115; she's opposed to the 7-11 gas station and convenience store and urged the Board to withhold approval until these impacts have been mitigated between the County and the developer.

Calvin Cox - lives west of the Chenoa Project and has 2 concerns: 1) impact on roads and feels the traffic will stress County funds as the need for the transportation improvements evolves; and 2) a concern for water. It looks good on paper but he didn't think there was any way any one could know for sure that the water is there. This is something that needs to be addressed to make sure that people with older wells and water rights are not affected. The new wells they are drilling, in his understanding, will be adjudicated back through Reudi to 1958 which will put their appropriation dates for approximately 90% of the existing wells and springs that in the area and what recourse would anybody have if the aquifer should fail.

Christine Sullivan - reiterated the concern as everyone else for the water and roads. The dust right now is out of control; the noise from construction vehicles will be amazing and really would like to see that controlled.

Staff Rebuttal

Jeff Laurien - wanted to *clarify a couple of issues*:

Office Zone - whether it is 9 or 13 acres.

Bruce Hazard, Design Workshop - actually stands corrected. Gamba in their calculations of the open space is indeed 13 acres in size.

Jeff Laurien - There was another comment made by Mr. Smith in his presentation about the Planning Commission recommendations. A question as to what the Planning Commission may or may not have recommended. Now I went back, I used my notes from the Planning Commission Hearing and also Kathy Edinger who does up the Minutes from that hearing went back and listened to those tapes and her notes that she wrote up and what Planning Commission did recommend - what they clearly stated was actually a recommendation for a 3rd access. I know she had discussions with Ken Kirklighter as well and we agreed, he agreed with me that my interpretation was correct that Planning Commissioner did indeed recommend a 3rd access as part of the recommendations.

The most pertinent objects today are all the issues for which the staff recommending denial. The County Engineer was asked to respond to any rebuttal or presentation.

Janice Louchs - engineering term consisted of: Kurt Thompson - GEI - consultants; Becki Davidson from Burlestone; and Tom Terry also from GEI. Janice clarified why these consultants were hired to do an additional review on several issues saying during the Planning and Zoning Meeting, many times the issues of water studies, inaccuracies, and transportation inaccuracies were raised over and over again. She

decided that a pair, or several pairs of new eyes would probably be in order and would help the situation. These consultants were hired for their technical expertise and integrity.

Staff has concern with a number of waivers requested; they're out of compliance with County and American Association of State Highway and Transportation official standard or ASTO standards and engineering best management practices standards. These waivers, in light of the fact that they're are extension environmental, geologic, drainage and wildfire hazards present on the site despite proposed mitigation are additive in nature resulting in a nonviable PUD application. It is also concern that the base line data presented in the application for water balances, aquifer recharge calculations and traffic impacts required for approval are not representative of actual conditions or have insufficient support documentation to allow or correct evaluation. This documentation is critical to the approval process. The County does not want to approve an application that is insufficiently documented or evaluated and which has the potential of having a negative impact on its citizens. As a consequence we recommend denial of the application as currently submitted. Our comments today are intended to help the County and the applicant come to an agreement and to help develop formulate a PUD that will be acceptable to both.

Kurt Thompson for GEI Consultants, generalized the issues as: 1) simultaneous draw down test of the wells to first of all to satisfy a lot of the local homeowner concerns about the aquifer and secondly because there wasn't adequate information in the reports that we reviewed to show whether or not the wells proposed by the applicant could have an effect on some of the neighboring well; 2) the key point in the water supply issue is related to the precipitation records used in the analysis. The applicant used an approximate ten year period during the 1990's for their precipitation data to base their calculations on. That period may or may not be representative of what actually occurs in the Spring Valley Ranch area. We had proposed that maybe something like a 30 year period was appropriate and one that did not reflect the most recent climate that we've experienced over the last ten years; 3) water supply/water balance calculations and commented on evapo transpiration with a southern exposure is a bigger issue; 4) lack of support documentation for assumption of the aquifer recharge storage and Landis Creek's available capacity; and 5) for the ISDS systems - the covenant addressing the maintenance of the ISDS systems states that a special district or etc. will be conveyed from time to time. But, it states the owner shall be responsible for maintaining and repairing all portions located within the boundaries of the owner's lot. The implication is unclear. If it is contrary to the proposed plan, then the covenants must clearly indicate this which it does do at this point.

Tom Terry - GEI Consultants - Addressed the stability issues related to the septic systems saying it is something that can be taken care of later in the development process but something we felt should be reviewed at some point and looked at.

Janice Louchs - highlighted the following concerns: 1) the golf management's technical discussion adding that the designer has given a number of counter responses but has provided no supporting documentation. She supported her claims by a study from the Attorney General from New York and the Environmental Protection Agency updated on December 19, 1995 entitled "Toxic Fairways Risking Ground Water Contamination from Pesticides on Long Island Golf Courses" - "at least 6 pesticides are known to be capable of contaminating ground water after normal application following label directions". She concluded that the plan should include a strict evaluation of the toxicity of these chemicals and the plan to substitute puts chemicals with a lower toxicity. 2) Concerning the Forest Service and the major wildlife corridor, the engineering staff is not confused about the Forest Service considering the lower area and major wildlife corridor. In conservation with Tim Snowden, the senior biologist with the Forest Service, the department regularly monitors the wildlife and their habitats in the area surrounding and moving into the Spring Valley area. 3) Transportation - The staff employed a outside consultant specializing in transportation to review the traffic impact study. A number of comments from the P & Z Meeting discounting the reliability of baseline data during the hearing resulted in my contacting Burlstone. The review also confirms that the Colorado Department of Transportation's letter asserting that the increased traffic entering the intersection of CR 114 & State Hwy. 82 will cause a failure of their operations. The County engineer requested amended GIS be completed. The engineering department also asks that an intersection design performing to the County and C-DOT standards be submitted for their review and approval; and 4) "the PUD shall provide adequate internal street circulation and the adequate access for police and fire protection". The engineering department and sheriff's department have determined that the above has not been provided by the applicant.

Becki Davidson - Burlstone - 1) presented on *transportation concerns* and issues raised with respect to 1) *CR 115 and CR 114*. In the study it talks about most people using 114 access out. If you look at normal distribution, if CR 115 was a typical 2-lane road and most people are trying to reach Glenwood Springs,

they would use CR 115. But if we go on assumption that everybody's going on CR 114 that road needs to be improved to a point where they will want to travel that way and not want to take a short-cut out. Another is the Intersection of the frontage road, CR 114 and Hwy. 82 - one improvement might to move this intersection back so that it does function well. C-DOT is concerned about that intersection and what adding 5 - 7,000 trips on this road will do. 2) Regarding *variances*, the suggested mpr speed and the 185 degree radius begins to get more and more difficult to enter into and come out of this development. 3) Long *cul-de-sacs* up to 10% grades out there; and the number of curves that are proposed and minor collector streets - she summarized that in the middle of the winter when some people do live up there it's going to be easy to get in and out of the place. She did not recommend approving the variances as requested; and 4) the *golf course trip generations* that could fluctuate back and forth as to how many people come up there and use those courses.

Janice Louchs summarized - The developers engineers have repeatedly raised the issue of *environmental and topographic constraints*. The engineering staff considers environmental concerns to be of top priority however, this staff does not feel those concerns warrant a permit to construct substandard roads. The design meets neither County nor ASHTO standards for safe roadway design. Granting of these waivers will result in roads that in areas that are too narrow for emergency operations in areas curves are too tight to negotiate safely, cul-de-sacs are too long without secondary emergency access for design speeds that are below any design standard required by the County or ASHTO; grades that are too steep in areas and roadways with no connectivity and with an overall degrade transverse ability. All this will be located in the high wildfire hazard area with diverse geologic and slope stability hazards.

Tom Smith - commented on the *merits of issues that have just been discussed* by the County engineer and her consultants. He addressed the *issue of water* and the primary objections to our documentation of physical water supply and the *issue of the inadequacy of the information regarding the effect on neighboring wells*.

Ann Castle - Attorney with the firm of Holland and Hart in Denver - a specialist in water law. Spring Valley's consultants Bill Lorah of Wright Water Engineers and Mark Colombo of HRS Water Consultants did the initial reports for the water supply plan. She discussed *the procedure* that was utilized for documenting the *physical adequacy of the water supply*. The meeting with the County Planning staff and the water rights consultant that the County had employed - Chris Manera of Colorado River Engineering. Several discussion were held with them and an agreement was reached on the procedure that would be used to address water supply concerns. She defended the position regarding the 10 year period for the study that was agreed upon with Chris Manera and the developer. She described the procedures and figures used in the study adding that they did 85 days worth of pumping test on Spring Valley aquifer wells; drilled a new well in the valley floor, one of the wells that has already been decreed and permitted and is subject to the augmentation plan, pumped that well for a serious of days and monitored other nearby wells. The monitoring wells were closer to the pumped well than any of the neighbors domestic wells. And we showed no effect on those monitored wells. Now that's an indication that the pumping rate for the testing was at the average rate that we expect to pump those wells at full build out. The aquifer's sufficiently large and that was based on documentation that he thought to be satisfactory that there is unlikely to be any effect on nearby domestic wells.

Tom Smith - *issue of transportation* primarily the issue of the Hwy. 82/County Road 114 Intersection and the suggestion that we have underestimated traffic volumes; and the *issue of obvious discrepancies* as to level of service at that intersection today and in the future.

Dave Hatton - with Felsbery Holt and Elevic we did the *traffic impact analysis* for the project. To set this stage we did base all of the analysis of existing traffic. We measured that in the field and in fact last night I went out and looked at traffic again, counted it, and there has been a modest increase but not substantial. So, traffic is more or less tracking the increases that we had included in our report. Our calculations show that it operates currently at level of service B - everybody gets through the cycle currently so that's indication of level of service A and B - a good level of service. The improvements that we're recommending of additional laneage at that intersection, a level of service D, is acceptable both to C-DOT and Garfield County's standards. He said he would agree 150' would be better than the 50' that is out there now, however it would require additional right-of-way which we would need to work with the County to obtain. That's not public right-of-way now. With regard to the trip generation for the residential, we used basically a full build out scenario. Initially we had a 100% of full time occupancy of all residences and discussions with Nick Adeh, he felt that the Ranch Estate lots, it would be unrealistic to assume that they

would ever be 100% occupied and suggested 40% full time occupancy. We used ITE trip generation rates and also for the golf course we did that. The rate there is based both on private and public golf courses that have been measured nationally. We think that the two private courses would have less trip generation than a public course where T times are sold to everyone and the assumption of the external traffic for the golf course is based on the sale of memberships which the 20% figure is probably much higher than would ever be done. Most of the members of the golf course will be internal to Spring Valley Ranch.

Tom Smith - asked Mike Gamba to discuss the issue of the variances.

Mike Gamba - a registered engineer with Jerome Gamba and Associates, addressed the recommending denial of all the requests of variances and waivers from the Garfield County Road Design Standards, because they don't meet neither Garfield County nor ASHTO standards. In regard to the cul-de-sacs, the County regulations state that "a cul-de-sac maybe permitted provided that are not more than 600' in length". That's in Section 9.33 of the Garfield County Subdivision Regulations. That same section states "the Board may approve our cul-de-sacs for topographic reasons and it can be proved the fire protection and emergency egress and access is provided as part of a longer design". Meetings and discussions were held with respect to the emergency and fire and EMS issues. Regarding the requests for variances dealing with maximum grade, he said the County road design standards, Subdivision Regulation Section 9.35 states "that for all County roads up to a secondary access category, a 10% maximum grade is acceptable. For minor collector and major collector road, an 8% maximum grade is acceptable". We have approximately 37-38 miles of road on this project and about 95% of them are less than an 8% grade. Section 9.37 of the Subdivision Regulation states, "a variance to the maximum grade of 12% for minor collector and secondary access categories may be approved by the Board of County Commissioners at the time of the Preliminary Plan Public Hearing", so therefore there is a Garfield County regulation permitting the approval of excessive, or grades steeper than the County design standard and that section also provides the criteria by which those steeper grades would be permitted. We meet that criteria. We're requesting variances on two different sections where 10% grade variance and on three different sections for 9% grade variance. And other than that, as I said, 95% of the roads within the development meet the County standards with respect to grade. He pointed out the exhibit that provides a reclassification of the proposed Spring Valley Ranch roads on the basis of the Garfield County road classification system. The pink roads would represent the Garfield County semi-primitive classification. The pink roads represent 45% of all of our roads. These roads, by Garfield County standards could be 20' wide gravel road with a 50' radius. Our absolute minimum road width is our shared driveway classification that composes about 10% of those semi-primitive classifications and our shared driveway has a 24' platform. All of our other road platforms are 32' so for a very significant portion of our roads we are in fact proposing a wider road with larger radii and again I could go into this in more detail if you have any questions.

Tom Smith - summarized. With respect to the *issue of Hwy. 82 Intersection* said they would pay their fair share to fix Hwy. 82 Intersection. Our responsible for moving the frontage road? We're already paying three times what we're required to pay to improve the roads. If the County wants us to reallocate our funding to fix Hwy. 82 Intersection to some degree, that's fine. But we're not the only ones obligated to fix that; they said we're already contributing three times our obligation for road improvements. If the County wants to reallocate a share of that to other roads, whether it's Red Canyon or 110 road, that's fine, we can do that do. *The golf course management issue* - nothing in the County code that even talks about golf course maintenance or management. We have committed to a state of the art program for golf course maintenance. With respect to the *road variances*, the County's consultants simply have not looked at these issues at the level of detail that Gamba and Associates have.

Board of County Commissioners - Dialogue with Commissioners and Applicant

Commissioner Stowe - clarified on a *deed restricted affordable housing*, you mentioned 75 units would be available for that - are any of those proposed as being rental units - the apartments? And in recent decision by the court, how do you suggest to do that?

Bill Peacher - I don't know that we've totally come to a conclusion cause there's even some opinion as to which way that may go in terms of rental. Our original, our application states that there would be 17 rental apartment units in the program. But we need additional advice I think about how that case effects what's in the application; if that's the case, where we can not offer it, then we would have to offer for sale, rather than the rental.

Tom Smith - I've been involved in one project one up valley where the developer wants to do deed restricted housing and the solution was two things: 1) a deed restriction in favor of local Housing Authority

(HA) that specifically recites that the deed restriction is intended to create an interest in the project in favor of the HA so as to meet the requirements in the Statutes and avoid the problems of rent, or legal rent control. 2) the landowner in that case has agreed to convey 1/10 of 1% interest in the land, not the improvements, to the HA. The developer is now taking that to their lender to make sure it doesn't cause unnecessary complications in terms of funding the construction of that project. I would anticipate this is a problem that we can solve by Preliminary Plan because it's an evolving situation as other projects in other areas have to deal with it on an immediate basis.

Commissioner Stowe - As long as you're working on it.

Chairman Martin - There are three parts to that particular ruling - it's not only interest but it's also the control on the management of that property. You feel that's still will be workable with that small interest to the HA or whatever you think - there's an element of control of management.

Tom Smith - A portion of the rental housing would be under the Garfield County Regulations. A portion of it in which is over and above the 10% will be regulated and controlled for the benefit of the project. They are committed to making it work.

Commissioner Stowe - on road impact fees. You mentioned the figure \$800,000 is what you're technically required; should you just turn over the funds, you're willing to do three times that much which would be \$2.4 million and from what I understand you saying today, should we decide to do something with a different road or intersection, you're still willing to commit that \$2.4 million? Or are we talking back to the \$800,000?

Tom Smith - No, that is correct. We submitted the actual number, Jeff you may have it there, I don't have it in front of me but it was over \$800,000 and the answer will be yes to that. And we think the best thing is a cooperative effort to say, where's the money best spent? And where do you get the most benefit? And I think that's more of a cooperative effort between the County and ourselves.

Commissioner Stowe - Security, public safety, do you have any thoughts of assisting our Sheriff's Department by providing any private security up there, or anything to that?

Tom Smith - As part of the Homeowner's Association there will be a "called a security type program" which could supplement, in my experiences the Sheriff's Department here in Garfield County. There is usually a cooperative effort that's developed as a result of the private security. In addition to that, we did indicate that in the fire substation at the Village Center, that we would allocate space there for the Sheriff's Office if they had a need to work out of the space up in the Spring Valley area. And then our security would then coordinate with them on various things that happen, incidents that occur - be it car accidents or whatever, there are certain things that you can and you can't do with private security as you probably know.

Commissioner McCown - There are going to be 2 golf courses and they're both going to be private courses. And you're proposing a 577 unit development. My history with golf courses and serving on the Boards, the numbers are usually somewhere around 550 to 650 members to support a golf course. We're looking at two, with 577 units, are we over killing here a little bit with this second course?

Bill Peacher - well, it really gets down to how you position the golf course. First of all the cap on each of the golf courses is 375 members each. Typically, in the type of golf courses we're planning and designing, most caps are under 400 in our industry for the level of quality that we're targeting for. The total membership numbers are greater than what it might appear if you take out the 75 affordable housing units you have 502 dwelling units, but in the cooperative wilderness cabins there maybe as many as 4 owners per cabin and each one would be required to buy membership. So it's hard to look at the 502 and equate that to the golf membership. It will be much greater than that 500 number.

Tom Smith - There can also be outside memberships.

Bill Peacher - Yes, and we are going to offering outside memberships as well, in Garfield County.

Commissioner McCown - Will Garfield County residents be given any kind of a preferred rate?

Bill Peacher - Yes, 4 tee times per day on the memberships. Well, they'll be all priced at the same level whether they be resident or nonresident. So the prices will be the same. Now the public access, I don't know if that's one of your questions as well, but we're allocating 4 tee times per day - 16 players a day times however many days a week we're open which when the 2nd golf course opens, there will also be one golf course open 7 days a week. So that's about 100 players a week.

Commissioner Stowe - Looking at the Planning Commission recommendations, you mentioned that you'd be willing to comply with the 24 recommendations they had with a few slight variations or word changes; tell me what those changes might be.

Bill Peacher - First, with respect to the contract for service with Glenwood versus setting up own district - we said that (SVD) Spring Valley Development will submit a service plan for the proposed metropolitan

district prior to submittal of Preliminary Plan for the area described as the Spring Valley Ranch PUD. Concurrent with this effort, SSD is also finalizing discussions with Glenwood Springs Fire Department for contract for service which in turn may lead to annexation into the Glenwood Springs Rural Fire Protection District. *EMS and Fire District* on page 49 of the staff report. Since we don't have control over that, we're willing and we stated our willingness to become a part of that district, but there is a process we have to go through. I think the current recommendation is that the service plan would be submitted by Preliminary Plan and that there would be a district formed by the time of final plat. We're ready to submit a service plan by Preliminary Plan and then follow the ordinary course of whatever it takes to get that formed. I don't know if it would coincide exactly with final plat. As a part of the contract for service that we're negotiating, Mike Piper laid out a capital plan that he would need and financial in order to, build the fire station, equip it and then operating expenses to operate it over time, so that all those numbers are in the contract for service are in fact what we're using in our negotiation, then they would become part of the annexation process as well.

Chairman Martin - And that wildfire plan also includes the BLM property up there as well and they're standards, is that correct? What it amounts to taking in all the requirements for the BLM fire, wildfire area which is adjacent to private property. In other words, protection for those defensible spaces etc.

Steve Crockett - When we developed the plan, the wildfire hazard mitigation plan, just for the record, that Ron Leach, Mike Piper, Art Hoagland County's fire consultant, in addition to the Colorado State Forest Service right here in Grand Junction, as well as their home office in Fort Collins, we went through and looked at all of the industry standards, National Wildfire Coordinating Group and FPA etc., and as you saw in the application, they reviewed it and they deemed it adequate. So in terms of those specific BLM standards it actually exceeds anything that we ever saw or heard from the BLM or the Forest Service. The US Forest Service, not the State Forest Service.

Commissioner McCown - I was going to go to Number 8

Commissioner Stowe - I want to make sure if we word Number 1 correctly - I understand your explanation, let me share what I understand, if were to say something to the effect - "the applicant will provide an agreement with the Glenwood Springs Fire Department to provide fire and EMS services to the subject property or the applicant must develop a district to handle fire and EMS."

Tom Smith - I think the issue is that you use the word develop which is somewhat ambiguous in our case, the suggestion would prefer "that the applicant must submit a service plan for the development of a district to handle fire and EMS by Preliminary Plan and the District must be operational by final plat." I think Don has indicated previously - is it operational or formed by

Don DeFord - It needs to be formed before final plat and it needs to be operational before you commence development.

Tom Smith - Now, does it need to be operational before we commence development if we have a contract for services with the Glenwood Springs District pending construction of our facilities for fire protection purposes, you understand my question?

Don DeFord - Can I ask a question of the applicant? If you develop a service plan as we have discussed, would your intent be also to enter into an agreement with Glenwood Springs?

Bill Peacher - The answer to that question is, if they would, even if we formed the district, we would want them to manage the fire protection service for that district.

Don DeFord - The concern is to provide actual on-site fire protection services before you start construction of residential building.

Bill Peacher - That is part of the agreement that we proposed, and they said they would position a truck there and personnel during the construction phase and that's the agreement that's on the table at the present time - it's just not signed.

Don DeFord - Then it would seem to me what you're looking at and see if this covers it - I think you have the first part, you develop a service plan and submit a service plan prior to Preliminary Plan, the district would be formed before final plat and before actual development commenced, you would have an agreement in place with Glenwood Springs to provide actual on-site fire fighting services.

Bill Peacher - Exactly.

Chairman Martin - The City of Glenwood Springs and the Garfield County Rural Fire District are run out of the same office, but you're going to use the City of Glenwood Springs, and not the Garfield Rural Fire District - is that correct?

Bill Peacher - The Rural Fire District is the district that's established and they contract with the Glenwood Springs Fire Department. We would actually, first of all, contract with Glenwood Springs Fire Department

for fire protection services, we would also request that we being to mutually move toward annexation of our property into the Rural Fire District.

Tom Smith - I think it's #5 in the staff report. I think that's the issue.

Bill Peacher - Next is the mandatory use of treated-

Tom Smith - this is #5 on page 49 of the staff report.

Bill Peacher - The, I don't have the exact language in front of me, but essential, as mandatory use - *available surface water supply* be used to the fullest extent to provide the irrigation supply - is that the one? - to the golf courses in order to minimize ground water withdrawals. A ground water monitoring plan be developed to monitor future water levels near the Springs Valley Ranch wells. The monitoring plan should include water level measurements in the production wells and other wells at the PUD that can be used as monitoring holes. The monitoring plan should have measurements.

Bill Peacher - Number 8 is the use of treated waste water by the development be mandatory once it is available. As a member of the Spring Valley Sanitation District, which is providing the waste water treatment, the agreement is fairly straight forward in that it says that it will provide it when it's available. We may not have as much control over this as it might appear from this statement. We have to work within the guidelines of the Spring Valley Sanitation District and also the State of Colorado water quality requirements - they can change and in fact they're being discussed at this point and time as we understand it. We certainly the water back when it's available and based upon the fact that we can get through out all the approval huddles of the Sanitation District and the State Water Quality issues, we would certainly want to take it back and use it for irrigation. We didn't know how exactly to write that but Ann Castle did put together some language - it's rather lengthy but it's an explanation - it's a brief memo by employers terms but we're certainly to share with you, but we're certainly willing to take it back but we may not have total control is the only issue we bring up and I don't know how to tell you to word that, other than we said "see attached letter report from Ann Castle".

Commissioner McCown - What if we said the use of treated water by the development will be used according to availability and State Health Regulations. State Health outlawed the use of that water, so that water that would make this particular Number 8 null and void, but once it is available to use, you will use it?

Tom Smith - The answer is yes.

Commissioner McCown - Yes, we don't want to take that out.

Ann Castle - Let me just clarify on availability, because that is one issue. As soon as you turn the waste water treatment plan, you have drops of treated waste water that are "available"; and our concern was that we not be required to build a very lengthy and expensive *pipe line* prior to economic quantities of that waste water being available for use. And that was the concern that was primarily addressed in the language that we propose you use in the approval process. It is also a concern that the State's treatment standards are changing, we anticipate that those will ultimately be doable but it's the quantity of water available justifying making the effort to get it there, cause it is an expensive effort to get it there.

Commissioner McCown - But the fact remains that you are going to use it so you're going to need that line - you just as well put it in; and if three drops comes through it, you mix that with your other water. You're cutting down your usage by three drops. The line's going in - the line's going in.

Ann Castle Well, I don't you can push that kind of water uphill - the line will go in eventually.

Commissioner McCown - Okay.

Ann Castle - it's a matter of timing.

Bill Peacher - The question is timing. But, Larry, I think the way that you stated it can - that's clearer.

Bill Peacher - Number 11 - we don't disagree with Jeff with regard to what, we came down and listened to the tapes of the Minutes to the Planning and Zoning Meeting and in fact the way the Minutes are written, are in fact what was stated. I called Phil Vaughn for clarification. Procedurally, I said, Phil, when we left the meeting, we were clearly under the impression that the *3rd access* was not a part of the conditions of your recommendation for approval. He did not talk to me directly following that, but I understand there were conversations with staff and that it was my understanding that he said the 3rd access issue was not be included in the conditions.

Bill Peacher - The 3rd access issue was the only one that we raised as a concern - it was not our understanding to bring that up, but that was my understanding.

Tom Smith - We have to concede the Planning Commission has not yet reviewed it's Minutes. And from a technical procedural standpoint discussions with Phil Vaughn don't necessarily represent the views of the Planning Commission as a whole and we understand that. But it also our understanding that at the time

those Minutes are reviewed, that this will be discussed and an official decision will be made.

Unfortunately, that hasn't happened before today.

Bill Peacher - Those were the 3 items that we wanted to comment on.

Commissioner McCown - I have a question for Becki if that's allowable. There's nothing I hate any worse than to hear expert witnesses calling one mistake and about the information given and the other's saying according to my figures, this isn't true. Talk to me a little *about the ASHTO qualifications on their waivers please*. Are they meeting them or not? A simple yes or no will do it.

Becki Davidson - It depends. Some they are, some they aren't.

Commissioner McCown - Be specific on which ones they aren't.

Becki Davidson - The cul-de-sacs he mentioned is not covered in there at all. So, you can they meet it or don't meet it, depends on how you look at that.

Commissioner McCown - There are none to meet. Okay.

Becki Davidson - There are none to meet. Design speeds in my opinion they do not meet ASHTO standards. The radius they do not meet and they lean more towards the Garfield County standards versus ASHTO.

Chairman Martin - Becki, what's the standard length for a cul-de-sac?

Becki Davidson - I've written, just so you know, 4 sets of standards for different Counties and Cities throughout the State and almost everyone will argue that 660 ft. should be the maximum. The only time I've heard except to that is 1320' is the maximum if you sprinkle those houses that sit on that street. That's the way I've written and those relate to Larimer County, all over the place, I'm just saying to you, there are cases where they're asking for a variance up to about a mile on one or two, 1/2 miles not that unusual on some of the cul-de-sacs they're talking about based on their maps that we've received so they're substantially over the length I would expect as a standard cul-de-sac.

Commissioner McCown - If you take into consideration in those areas, Becki, were those houses sprinkled?

Bill Peacher - Everything, it's in our application that the homes are required to be sprinkled and there's one relative to length of road is the density. If you look at the cul-de-sacs that we're designing and Mike correct me on this, but I think no more than 10 units, is that correct, on a cul-de-sac so density is also a factor relative to looking at the topography and the kind of situation that we have there. And we have turnouts every 600 feet. When you look at the map, the circles on the Ranch Lots, which is where we have the primary length of cul-de-sac being greater than 600 feet, there is a turnout and turnaround every 600 feet. And this was a standard that was developed in the design for fire and EMS emergency access.

Mike Gamba - We do have 35 miles of road in here and wherever we could, based on the topography we did provide a higher speed.

Chairman Martin - Do you have a percentage of what that road would be out of the 35 miles that are above 25 mpr? Percentage wise?

Mike Gamba - I would venture to guess that in terms of percentage of all the roads over 25 mpr I would venture we're at about 25 to 30% .

Commissioner McCown - If we could I'd like to go back to this *3rd access*. Can you kind of pinpoint where Nick Adeh was talking about this being located between the east and the west entrance? Mike, could you show definitely where he was

Mike Gamba - Where he was suggesting we connect to is right here. We, in a meeting with the County staff a month and a half ago, two months ago, there was one suggestion brought up - why don't you just connect a road down like that. The reason for that is would require a great variance up to 35% - I don't think that would really be appropriate. We did look at a road design connecting at this point, basically wraps along this front face here and reconnects somewhere down over in here. And that is at a maximum grade of 8%. It disturbs almost 10 acres of critical mule deer winter habitat, and is aesthetically very unsightly. Our two proposed entrance roads follow existing drainage into the property. From off-site of the project, you'll not be able to see either of the accesses. This access would be visible from Ski Sunlight. It would be very ugly scar across the face of the hill, it would directly in front of a large out-parcel that has 5 or 6 homes on it; I don't think anyone outside the project would be really pleased with that from an aesthetic standpoint. As we said in one of our reports that you have in your package, there is no industry standard to require that 3rd access. There is no ASHTO standard, there's no Garfield County standard, the only possible criteria to be used to dictate a 3rd access be required is the vehicular capacity of our two roads. I believe Bill or Tom pointed out that at a Level Service D which is considered the minimum acceptable level of service based on both County standards as well as ASHTO standards, both of these roads would be well under the capacity at full built-out of this project for a Level of Service D on each of

these accesses. Therefore, there's no vehicular capacity reason to build that 3rd access. And I would throw out one more point that really hasn't been discussed, one of the arguments we can make as to why the vast majority of the residents from here are not going to go down Red Canyon Road but are in fact going to go down County Road 114, is that the vast majority of them are closer to this access here. From this point, is actually faster - we ran the time and we can provide that information if you're interested, by about 2 minutes to go down County Road 114 to get to Glenwood than it is to go back and route down County Road 115. That is not true with an access located over here. For an access located over here, it may very well entice more traffic toward the Red Canyon Road and I don't think that is really beneficial to anyone in the County.

Chairman Martin - Do you have a percentage of the roads that would over the 8% grade that we'd like to see - the maximum...

Mike Gamba - I believe it's less than 5% - we have one little section of 10% grade - it's about 1200 feet long, right here in the Landis Creek corridor, our entrance road, the reason we're asking for that is we can built an 8% grade road but it would end up looking like a road through a rock quarry because the amount of cut necessary to construct that 8% road would be very significant, so we have a 1200 foot stretch right here we're asking for a variance. The other place we're asking for a variance is 3 different segments leading up to about this point on the eastern entrance to the Ranch roads; 3 of those we're requesting - a variance up to 9% and for 1 segment approximately in here variance - I believe we're requesting a variance up to 10% and again that section is less than 2000 feet long - I don't have that exact figure. The total length of all these variances is 7,644 feet long of the requested. ... right.

Chairman Martin - 1 1/2 miles out of the 38 miles.

Mike Gamba - correct.

Commissioner McCown - And I guess probably even a more critical question in the length is are they north facing or south facing?

Mike Gamba - They're all south facing slopes. They meet all the criteria established in the Garfield County Subdivision Regulations for approval of a grade variance.

Chairman Martin - Asked for an explanation of the wilderness cabins; just exactly what are these wilderness cabins and what are they going to be used for and any wilderness cabin over 4000 is one heck of a Ponderosa, would you explain it to me what are the wilderness cabins going to be.

Bill Peacher - We're trying to cover all the bases. The product is a detached single family type unit. The range is size from a minimum of, I think we stated what, 2200 feet up to 4000 and sometimes 4000 sq. ft. gets dictated by the foundation. You build by virtue of the topography. So we just trying cover main level of 2000 and if there was a lower level no more than another 2000. The concept is a cooperative ownership program where up to 4 people could own a cabin and it's really designed more for the second home type person to use. Does that answer you question?

Chairman Martin - I thought you were going to tell me the difference between that and a time-share.

Bill Peacher - Oh, yes I'm sorry. With a corner share concept, these are undivided interest and the 4 people that buy it can work amongst themselves how and when those cabins get used or we can manage it for them. Versus time share - you buy a specific week for instance if your bought Christmas week in time share type project, you would always have Christmas week - it's a license too use that particular portion of the year. In the case of an undivided interest, those people will rotate how they use the cabin and the different times of the year. So it's not truly a time share interval.

Tom Smith - You've got four owners to one house and they work it out how they will occupy - is Chairman Martin - I need to go back and ask our engineer a question. And that is do you feel, you hired some experts, do you think that GEI, we've heard today about that they didn't receive enough information to make a valid opinion. What is your understanding? Did they receive enough information? Do you feel comfortable?

Janice Louchs - Yes, I submitted all the documentation to GEI at the first initial comment period. I held some of the review reports back to get an objective review from them, but I supplied immediately afterward all the documentation which they did review. And they had no comments or changes in comments occur.

Kurt Thompson - GEI - Yes, that's correct. Once we received the peer review documents and reviewed those, it didn't really have an effect on our initial questions.

Chairman Martin - That's also goes along with the same as the water balancing and data, waterfall and precipitation rates, etc. Do you feel that was also covered?

Janice Louchs - yes.

Commissioner McCown - I guess just to take that one step further, it's safe to assume that GEI disagrees with the other 5 engineering firms?

Kurt Thompson GEI - we do not disagree, we would like to see more data before we can give a firm opinion.

Commissioner McCown - But you do not concur? It's kind of being pregnant here - you are or you aren't.

Kurt Thompson - I'd have to disagree; I'd say it's not quite that easy. It depends on what your saying we concur or disagree with. We disagree, there's no doubt we disagree on the *10 year period they used to analysis precipitation*. We disagree with that. But does that mean we disagree with the final conclusions? We can't say because we haven't had a chance to review all of the assumptions and everything else that was analyzed.

Commissioner McCown - Were you aware that our previous consultant had agreed to that 10 year period?

Kurt Thompson - Not until today.

Commissioner McCown - Okay, would that have changed your opinion?

Kurt Thompson - Probably not unless I would, what we would like to see is the arguments as to why they believe that 10 year period is appropriate. Typically, that's, when you do an analysis, I mentioned earlier, that is one of the first key assumptions that everyone should agree on, so that, the applicant did in right in going to who ever was appropriate and saying we need to establish this for, so that we know how to proceed with our analysis, but I would disagree without more data and say that we don't think that is the best period to represent for precipitation in this area.

Commissioner McCown - Ms. Castle's report didn't clear of that up for you.

Kurt Thompson It let, it gave me more background as to why they used that, but I would still disagree with the County's consultant earlier who approved of that 10 year period and said that was representative.

Chairman Martin - I need to go back to the commercial space. How crucial to you and the development and the neighbor's concern, is this car wash, the convenient store and the sales office, how crucial is that to the development.

Bill Peacher - At the request of Planning and Zoning Commissioners, we did go back and speak with a number of the neighbors - not everybody that brought up a concern about it, and the kinds of things that Mike Berkley has recommended are acceptable to us and I think that it really covers most of the concerns, not all, but most of the concerns raised about the Village Center. We did agree not, in this case he's asking for no sale of motor vehicle fuel, which eliminates the *Convenience Store* concern that we heard. We did want, in our conservation where we debated this back and forth with the neighbors, we said if we eliminate the fuel doesn't that typically take away the concern about a Convenience Store type operation. And the answer was yes at that time. That's why that would be acceptable to us if that were made a condition of approval. And the other items here also would be acceptable, the sales of alcohol beverages for consumption off premise, those are the kinds of things that raised the concerns, and we said we could live with that.

Tom Smith - Car wash comes out.

Bill Peacher - Car wash was in here, laundry mat, sell of tobacco products, alcoholic beverages for consumption off premise - not if there were a restaurant you could still serve by the drink, sell of motor vehicle fuel, and limiting the operating hours. And then all these other things also as well. We did discuss all of these with various neighbors.

Chairman Martin - So far you've been a good neighbor. How about increasing the percentage of tee times instead of 4 a day how about raising that up to 10%.

Bill Peacher - My understanding is Aspen Glen has no outside tee times. I talked to Roaring Fork Club, and my understanding is they have 4 tee times per day allocated for outside play. So that, we wanted to at least be comparable to that. But what do you have in mind?

Commissioner McCown - Given the unlikely prospect that these would not become marketable in time to maintain two courses, which you envision either of these courses becoming a public access course?

Bill Peacher - Well, I don't know. I'm hoping that we enough demand to answer that question. A what if is hard to respond to. Would we open it up? I don't think so, I think the strength of the marketing positioning is to keep it private to attract second home purchasers that are willing to come and pay the tariff to have these golf courses available.

Commissioner McCown - Because that would change your traffic impacts greatly.

Bill Peacher - Yes, absolutely we really believe the market is there. In talking to golf course operators in the valley, there is quite a demand for golf. So we feel pretty good about the absorption of the memberships.

Commissioner McCown - How many outside memberships do you anticipate selling beyond the owners of the property.

Bill Peacher - It really gets down to the number of actual cooperative ownership of cabins. How many owners individually by up to four let's say. But I would anticipate, I would have to give you my estimate or guesstimate, but probably we're looking at 100 or so, somewhere in that neighborhood.

Commissioner McCown - And I would assume it's a mandatory membership with ownership of the lot.

Bill Peacher - No it's not. Most people, the major amenity there is golf and the environment. The lifestyle that's provided by the environment but to require someone to buy a membership - they may not build for two years, three years, we want to give them some latitude as to when they're going to use the property as to when they buy the membership. They will pay a higher price typically if they wait, so there may some incentive there for them to come in at that early date.

Chairman Martin - Did you have any concern for the Division of Wildlife and their recommendations at all?

Bill Peacher - That once we sat down with the Division of Wildlife and understood what their goals were, we could accommodate just about everything that they came up with. I don't know of anything we said no to in their review. So that we were able to accommodate every single request that I'm aware of.

Chairman Martin - I know the biggest concerns was the fences and the type of fences that would around each building and also the Center, Golf courses, etc. because it cuts off migration groups.

Bill Peacher - There's no perimeter fencing allowed inside the community. Catch corrals are allowed on the Ranch lots but no more than 3000 sq. ft. for the catch corral. And then the other walls, or landscape fencing has to be attached to the building and then we maximized the amount of area they can enclose when it's attached to the dwelling unit. They went over those numbers with us.

Break

Chairman Martin - In reviewing my notes, I have remaining question. Go ahead.

Commissioner McCown - First all, I guess, there was a lot of discussion and there was never really any specificity that I can remember agreed to on the length of these cul-de-sacs that might affect fire protection and EMS. Do you have anyone that can.

Steve Crocket I had a little presentation on Power Point here but technological glitch here - anyway. With respect to *cul-de-sacs*, a couple points I wanted clarify is Number 1 - is, are you aware the Garfield Code allows for longer cul-de-sacs? I think that the most important point that I'm trying to make is that when we went in and looked at that Industry Standards that you refer to earlier, the following industry standards specifically allow for longer cul-de-sacs and these are fire industry standards. National Fire Protection Association, the Uniform Fire Code, the Urban Wild land Interface Code and the Colorado State Forest Service, wildfire safety model regulations for protecting people in homes in subdivisions and developments - all specifically allow for longer cul-de-sacs. When they allow that they basically just say, they don't set the specific length and the only language that we found in this is you have to have a turnaround at the end. And we've obviously complied with that. But I want to say that we went beyond it, when I'm talking about, I talking about Ron Leach, Mike Piper and the State Forest Service and developed actually developed 17 additional recommendations that were incorporated in wildfire hazard mitigation plan to ensure that we did mitigate the cul-de-sac issue. And I think it's important to bring those out and the most significant one was the increased road width. And most of the fire code deal specifically talk about maybe around 24' wide road widths. As you know we are proposing 32' wide. I want to put that in perspective - that's four 8' wide fire trucks. That's as wide as 8th Street. To put that in perspective so when we looked at proving to the County that adequate fire and EMS access can be provided, that's sort of puts it into perspective. Four 8' wide lanes out there. And I took offense that these roads were characterized as narrow. In the work that I've done this is unprecedented to have them this wide. We put increased turnaround radius at the end of these. The County code, as you know, only specifies for 45' - we've got 60' radius. This is well beyond the largest piece of fire apparatus in the valley's needs.

Another thing the Colorado State Forest Service talked about was that if you're going to increase your *cul-de-sac length*, they'd like to see turnarounds every 750' - we put them at every 600' and we've got a greater radius. All the turning radius, this is another issue, when you turn from a cul-de-sac onto a driveway onto another road, exceed the fire standards. We have a minimum 30' intersection radius. So the fire department doesn't have too tight a turn to reverse direction to go back up the driveway.

In addition you saw the plan *fuel breaks* along side - this is *vegetation modification* along sides of the cul-de-sac roads and the whole Ranch roads and all the areas within Spring Valley Ranch. What this translates into from a fire suppression standpoint is when you add up the fuel break the vegetation modification along

the sides of the roads, combined with a 32' road, you've got essentially a pre-constructed fire line in your subdivision already.

Increased *water supply*, that's critical. This is where I get to say "big water", right? Big water - this is very very important out there. We've got fire hydrants every 500' and in the Ranch area we've got a fire hydrant within a 100' of each house. To a fireman this is a lot of water.

Low density - very very important point to emphasis here. When you talk about evacuation, you need to put it in context and I agree with some of the statements that were made here earlier about, we need to look at this in totality in the context. When you talk the need for evacuation, it has to have some relationship to the number of people you evacuating. The low density up there is a maximum of five with actually the average, the maximum of ten would be the average with the average about five. So we're talking about evacuating five on 32' wide roads.

Noncombustible roof coverings - very important, leading and contributing factor to structural loss and interface fires.

Sprinkling the houses - very important. Another thing that I've never seen in my years of working in the wildfire public safety range.

Safety zones - each one of these turnarounds will have a vegetation modified manipulated so that turnaround then becomes a safety zone. This is very very important when it comes to evacuation. And then all the things that we're talking about earlier about defensible space around the houses, etc. etc. So when you add all of this up and you look at in its context, the cul-de-sacs - my professional opinion this is something actually that every fireman, specifically Mike Piper and Ron Leach along with the State Forest Service, really averages the City of Glenwood way, way beyond this. The downside is just to kind of editorialize, is High Meadow fire, Bobcat fire, Las Animas fire - that's what happens when you don't do this. That's what happens when you have 35 acre parcels, narrow roads, no water infrastructure. So I just wanted to share that.

Commissioner McCown - My second question is regarding the area that is still deemed *agricultural*.

There's been some indication that there may not be *adequate water to irrigate* that as it is being irrigated and maintained. Could you have someone elaborate on that?

Ann Castle - It's not accurate actually. The existing agricultural land does not have water available for irrigation. That area is now irrigated with senior water rights from Landis Creek. They're owned by the applicant and some of those water rights will be devoted to irrigation of the golf course, but the golf course will not require all of it, and so the excess water available from those Landis Creek senior rights will be used to continued either the agricultural growth that is there now, or modified into just native grasses, open space type irrigation.

Commissioner McCown - I guess that an interpretation of agricultural. I have a different interpretation of agricultural. To me agricultural is something productive.

Ann Castle - Yeah, in, really we haven't addressed that - the continuity of the agricultural or how it will be interpreted in detail. That just hasn't been determined yet. But it's agricultural now and there isn't a specific plan to take it out of agricultural, and there is water available for that purpose.

Commissioner McCown - It scares me when you say the remaining water would go to that purpose. That would make me think that if the golf courses take more water, the agricultural area would suffer and dry up and become native wild grasses. Which again would be a fire source.

Ann Castle - Well, in a dry year, there may not be enough surface water from Landis Creek available to the water rights to keep everything going. It's just like you have your agriculture now and in a dry year you have to cut back on the amount of acreage that you irrigate. That will continue to be a possibility. Now one of the things that we are doing that is not part of the current proposal, because it is still pending, we have Water Court applications pending right now that would expand our ability to provide additional irrigation water. And that could be used to firm up the supplies available to the agricultural/open space areas. They're not decreed yet. But that's the intention for the use once those decrees are obtained. But you're right, if there is a shortage of water, then there's going to have been decisions made about water gets watered.

Bill Peacher - Larry, I might add as part of the golf course management plan for water, when you get into a dry period, you would cut back irrigating your fairways and roughs and then creating some tees, etc. And that's been considered by Wright Water Engineers and their overall water supply plan as what would we do if there was a dry year.

Commissioner McCown - So you would still keep some water on the agricultural area.

Bill Peacher - Yes.

Chairman Martin - Okay, for clarification. You're willing to go ahead and meet all the *Soil Conservation District requirements* and requests?

Bill Peacher - What specifically?

Chairman Martin - All of them.

Bill Peacher - If I can remember them.

Chairman Martin - And the *State water engineer* also has recommendations.

Bill Peacher - Yeah, the State water engineer, yes. What about the Soil Conservation - could I get a copy of that in front of me so I don't.

Chairman Martin - *Division of Wildlife*?

Bill Peacher - Division of Wildlife, yes. John, I may want to clarify that we have Wildlife Mitigation Plan draft.....

Chairman Martin - and part of application....

Bill Peacher - and it includes all of the DOW - all the conditions rather than.....

Chairman Martin - I can't tell you how many pages they deal - do everything from *Elk migration to fencing, to dogs to bears to trash removal to wetlands area, golf course management, seasonal restrictions* on through - those are all acceptable?

Bill Peacher - Yes, they are. Jeff, on the Soil Conservation Service, the recommendations, are those included in the conditions from the Planning Commission?

Jeff Laurien - Where's my staff report?

Chairman Martin - Yes. It's A. Otherwise in the staff report, page 56. We've had discussion on *C-DOT, Division of Wildlife, the State Natural Resources, antiquities*, etc., you're willing to do with that, the geology and the disclaimers and disclosures, on all geological hazards, etc. that may exist on through; are those good?

Bill Peacher - That was fine - I'm sorry I was misinterpreting what you were referring to.

Commissioner McCown - There was also a question from a member of the public earlier that I think is very justifiable and that any interior lighting, I guess *exterior lighting* I should say, would be directed downward with no out

Bill Peacher - We put the Garfield County *lighting requirements* into our design guidelines which requires down lighting and I don't, you have to conceal the source of light and we did put that into the design guidelines.

Chairman Martin - Now that the easy things are out of the way. We deal with the car wash, the convenient store, the service station and sales area, and that used to be *open space* in that particular area which is right there by the cemetery road that comes out through there, there's an *existing roadway*, would you be willing to go ahead and return that area back to an open space area and using the existing road with small modification and design there?

Bill Peacher - This is the church and cemetery area - return that to open space?

Commissioner Martin - Making that a *buffer zone* between you and the owners neighbors that you have there, instead of using it as a *commercial sales area*.

Bill Peacher - First of all, we would want to keep that easement open as proposed in the discussion that Mike Berkley when he talked to the Commissioners and we're agreeable to that. And you're saying instead of having a cemetery and a church would we put it in open space?

Chairman Martin - In that sales area where you got marked as.... to the north and to the east of there. That just the general vicinity.

keep easement with Berkley - open versus a "sales office" Martin is saying taking the 13 acres and open space and move the office

Bill Peacher - Additionally, the reason we proposed that there, so you understand, why it's shown the way it is, the sales office typically was at the front entrance to your community, so people could find a way there; and you're saying, take that 13 acres and ...

Chairman Martin - You'd be a great neighbor.

Bill Peacher - What's the next question after that?

Chairman Martin - I'm trying to drive a hard bargain here, I'm trying to see - I never finish with questions, they always keep coming up but I think that we need to consider that and ...

Bill Peacher - Well, what if we reduced it substantially from its present size? Because we have analyzed that area and visually that area will not be seen from an existing house of the adjoining neighbor. And we've done a site line of vision study on that. And it's just not visible, but we could certainly reduce it down in size without any problem.

Commissioner McCown - Increasing more buffer there?

Bill Peacher - Yeah, we could definitely do that and scale it back if that would answer your question satisfactorily.

Chairman Martin - Yeah, that's part of it and the other is the *exact location of that particular road* the way you've got it designed, that's all. Because there is an existing road there that's been improved I think you're company has improved that road as well.

Bill Peacher - There's an *existing ranch road* there on the north and western boundary - there's not a lot of choices for the where road can actually go - you come through a drainage area there as was stated earlier and we pulled it - it's about 85' off of the property boundary to the centerline of the road so that we have a buffer area and we've offered to landscape the area. I don't know how many more options for relocating the road. I'd be willing to do it if we ...

Chairman Martin - I'm just trying to stay away from building a new road and trying to use the existing road.

Bill Peacher - We're trying to stay on existing roads wherever possible.

Mike Gamba - We did look at an alignment following that existing road; there's portions of that of that existing road that goes up to 16% grade so where the road is now, is following the old road as much as possible while maintaining a maximum grade of 8% going up that hill unfortunately where the road and from a design standpoint there's a lot of options in that case.

Bill Peacher - Bruce Hazard could comment of the *visibility* of the sales office parcel and how small Bruce thinks it could get and still be able to provide the function we're looking for.

Bruce Hazard - It's not so much the size of the parcel it the programs elements within the parcel. There are other concerns - again, Jeff and he were talking about it earlier; I'm not sure we save anything by modifying the outline of the land use. It's more what we're proposing internally. And what we are proposing internally is a maximum of 4000 sq. ft. of structure. So, all out analysis has been based off of where that structure is located - that square footage either a 1 level or on 2 levels and it's visibility from all adjacent existing home sites. And we're convinced as we presented to Spring Valley, relevant that the 4000 sq. ft. structure and it's associated parking lot are not visible from any adjacent property. It's not only horizontally far enough away, but it's also vertically lower than any adjacent existing structure.

Bill Peacher - We could look at it. It's hard to answer just ...

Chairman Martin - I was hoping just to get some open space there.

Commissioner McCown - A couple of things that was in the Planning Commission recommendations that I don't think we've clarified and Number 22 and 23 that would be where cattle will or will not be allowed to graze No. 22 and No. 23 "hunting restrictions".

Bill Peacher - We do have an existing police in place for the grazing of cattle and as we develop let's say Phase I, we would restrict cattle - this is in the upland parts of the property - we would allow cattle grazing on the future Phases until we moved into those Phases to develop. In the meadow area the answer is there would be cattle grazing on the continuing basis.

Commissioner McCown - But didn't I understand that there would no fences?

Bill Peacher - You mean on the Ranch part - well that's individual lots - we said no perimeter fencing. But there's already ranch fencing there that there's a lease in place with the Nislaniks where they do graze their cattle there and there are old fences that have been there for years and years.

Commissioner McCown - So the pasture fences will remain in place and will allow to be maintained for grazing purposes.

Bill Peacher - That's correct. They'll stay in place until we move into that Phase to develop.

Commissioner McCown - And the hunting?

Bill Peacher - And the hunting - we've already restricted hunting now. There's no hunting on the property.

Commissioner McCown - I just said they hadn't been cleared up, so.

Chairman Martin - We've had a lot of questions, a lot of testimony, a lot of things to consider. Do we have anything further? Review your notes. If nothing further, do I have a motion to close the public hearing.

Mildred Alsdorf - John, before you do you need to admit all these Exhibits A - AA.

Chairman Martin - All right, we'll go ahead and admit all items.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

Deliberations and Motion

Commissioner McCown made a motion to approve the PUD Zone Amendment for Spring Valley

Ranch with the Planning Commissions recommendation of approval, that would be twenty-four (24) in totality with the corrections made today and agreed upon by the applicant. There were some verbiage changes that the Board made on both of them. And I may have missed it in here, correct me if I did, staff please, during the construction phase, I would ask that the applicant be responsible for all dust mitigation that may occur on interior roads as well as roads servicing the area - as No. 25. I believe the testimony of the applicant did include specific testimony on the types of lighting that would be employed in the subdivision. There was indication of continued use of the agricultural land specifically in the conditions in No. 22 and No. 23 of the P & Z Agreement.

Commissioner McCown - Any other conditions that the other Commissioners would like to see added before we conclude the motion?

Chairman Martin - Well, I think you covered everything from all the recommendations from all the different agencies, etc. The changes in verbiage in reference to the commercial space. I think you covered all of those that we've discussed.

Commissioner Stowe - I second Larry's motion.

Chairman Martin - All right. Discussion.

Don DeFord - Mr. Chairman could I ask for a clarification on one issue so there's no misunderstanding.

Chairman Martin - Mr. DeFord.

Don DeFord - In regard to the Planning Commission recommendation No. 11 on page 50, there was some discussion about the 3rd access for the, I think they're already in agreement, but the motion of the Planning Commission has, as it now stands, included all of Mr. Adeh's recommendations which was for a 3rd access.

Chairman Martin - Correct.

Don DeFord - into the Subdivision. So that the record is very clear on this issue given the discussion today, does your motion include all of Mr. Day's, Adeh's recommendations or just all but that 3rd access?

Commissioner McCown - My motion would include everything with the exception of the 3rd access.

Don DeFord - Is that your understanding as well?

Commissioner Stowe - As would my second. Yes.

Don DeFord - Okay, thank you.

Chairman Martin - All right. The clarification's been made on the change.

Commissioner McCown - Also, staff had some recommendations as well. I think, did I misread that Jeff? Page 54, or 55.

Commissioner McCown - No. Never mind.

Jeff Laurien - Where ?

Chairman Martin - Those area all, Those are all Planning and Zoning?

Commissioner McCown - Never mind. Yeah, right. Everything.

Jeff Laruien - Those are all in the findings?

Commissioner McCown - Yes. And those would be included as well as any testimony given during the hearing here today.

Don DeFord - So your motion does include all representation

Commissioner McCown - Yes....

Don DeFord - . . . by the applicant?

Commissioner McCown - Yes it does.

Don DeFord - Okay.

Chairman Martin - Are we clear on that one?

Commissioner McCown - I am.

Commissioner Stowe - I am also.

Chairman Martin - All right. I just wanted to say that the original PUD scared me to death. 35 acres, that many; I'm not a hundred percent satisfied with what we have here but this applicant has gone overboard to present everything and make different concessions. And looking at the two, I'll tell you right now that this is a far better project than what we had looking at us prior. So, any other statements from any of the other Commissioners?

Commissioner McCown - Now I just urge you to continue to work with our county staff especially on our road impact situation. We need to look at where your commitment on this finances can be best spent. I think it is critical that we provide the greatest and best benefit to the taxpayers and to the motoring public that are going to be using that road. So, I realize we don't have roads in question in the Master Plan, but I think we need to look at the long range future - that you're looking at a 15 year build out. I would full well anticipate other activities on that mesa in that period of time, and everyone has a proportionate share of the

responsibilities. So, please continue to work with our, not only our Planning staff, but our Road and Bridge staff, for long-term cure to this problem.

Chairman Martin - And I would also note that with this motion, if it passes, we will be committing a lot of money in reference to improvement of County roads surrounding this area. And we will face that, it is a growing area; and respond appropriately with the Red Canyon Road, cause that's going to be a thorn in our side till we do.

Chairman Martin - Call for the question. All in favor of the motion?

Commissioner McCown - aye.

Commissioner Stowe - aye.

Chairman Martin - Abstained.

Chairman Martin - Motion passes.

Unidentified audience - Mr. Martin - did you vote for it as well?

Unidentified audience - I didn't hear your vote.

Chairman Martin - I didn't vote.

Unidentified audience - Oh, you didn't feel the need to vote?

Chairman Martin - Two, two votes pass. My, my vote is no; I'm still not satisfied but. . . .

Audience - Inaudible.

Chairman Martin - All right.

Other issues before the Board?

None.

Then, Don DeFord called for an Executive Session.

Executive Session - Update on Litigation

Commissioner McCown moved to go into an Executive Session. Commissioner Stowe seconded; motion carried.

Commissioner Stowe moved to come out of Executive Session. Commissioner McCown seconded; carried.

Adjourn

Motion to adjourn by Commissioner Stowe and seconded by Commissioner McCown; carried.

Attest:

Chairman of the Board

AUGUST 23, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Wednesday, August 23, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

a. Discussion/Selection: Colors for the Courthouse

Mary Metzger (Commercial Designer) - moved here from Boulder 4 1/2 years - had own interior design firm in Boulder for 27 years - historical buildings approached in different manner than new buildings - keep terrazzo floor, brass fixtures, oak doors - current oak is yellow-based - new colors need to have yellow base too - 100% nylon patterned carpet (Abby Carpet) - strip railings and restore to natural - better price the more you buy.

Ed - some hallways will be included in Rich's 2001 budget - project will take a few years to accomplish. Rich - will paint third floor hallway this year- there is money for it - carpeting will be next year if it's approved.

Larry - concerned that people should be able to choose their own carpet for their offices - afraid if it's all the same it will look like a casino.

Mary Metzger - will be pretty - colors need to blend.

Jan Burns - why did we select the third floor with which to start painting? - first floor gets the most traffic, second floor also gets a lot of traffic.

Rich - \$1500 for paint and labor - carpeting we'll have to work out through a budget process.

Walt Stowe motioned to move ahead with the painting.

Chairman Martin - Rich stay within your budget on paint purchasing - you have the go ahead.

Larry seconded motion; motion carried.

b. Guardrail for Whiteriver Road

Ed - there was an accident a couple of weeks ago - happened along a stretch of road that was recently paved by the City of Rifle - found out later that where the accident occurred belongs to the County - Whiteriver Road alternates from city street to County road and back again, and joint ownership - we need to work with City of Rifle to see about annexing whole stretch of road so there isn't conflicting ownership problem - immediate concern is safety concern - even though posted at 25 mph, drivers are driving over that limit - spoke with Selby - agreed to pay for portion of the cost of the guardrail along the elevated portions of roadway - Tom has figures related to our share of that.

Tom - notified Adarail Constructors - do guardrail installation for County - drive in the steel piling - not much shoulder on that road with which to work - \$12,000 to install 500' of guardrail - has \$4,500 in guardrail budget for guardrail repairs - leaves \$2,000 to put toward this project.

Ed - City of Rifle will pay their share of the footage, but that is not included in the \$12,000.

Tom - the \$12,000 is strictly Garfield County's price - the City has their own contract with Adarail.

Ed - there is mobilization and the entire amount of mobilization was included in our portion of the cost.

Tom - if City of Rifle decided to put in their share of guard railing, we could split mobilization fee (\$3,700) in half with Rifle.

Ed - it's a \$9-10,000 increase in Tom's budget for the year to do this - came to BOCC before proceeding.

Ed - the other consideration is the safety problem - we've already seen a serious accident there.

Walt Stowe - we're aware of accident - we know it's a problem - motioned to approve a supplemental amount not to exceed \$10,000 to put the guardrail on Whiteriver as Tom has illustrated; Larry McCown seconded; does the guardrail company feel confident that they will have the structural integrity given the steepness of the slope and the lack of shoulder; yes, going with 8' foot post rather than the 6' post in order to get down into the shoulder; motion carried.

Chairman Martin - guardrail at Davis Point Rd. and Peach Valley Road where we paved the street and we go right into someone's house ten feet away - please look at that and see if there's something we can do.

Tom - is there sufficient shoulder there? Yes. We can do that.

Tom - here is a picture of our "Una Bridge" - caught on fire - fire department chopped out three sections and let them drop into the river - asked why did it have to go into the river - asphalt coating - couldn't put out fire with regular water techniques - bridge is very unsafe - is this a historical bridge or is it a County bridge - we're looking at significant dollars to do something with this bridge - blocked it off from vehicular traffic, but there is still pedestrian traffic.

Tom - County Road 300 just below Parachute.

Larry - because there is a new bridge in the general locale - I don't recommend spending any funds on this.

Tom - efforts have been made to seal off bridges - someone figures out a way to use it.

Ed - once it's on a list of historical bridges, it has to stay there - or can be relocated and reused.

Chairman Martin - Town of New Castle is looking for a pedestrian bridge - look and see what the designation of the bridge is and get back to us.

Tom - will check with historical society - will check ownership - will weld chain on it to deter people from using it.

Ed - we're going to put up that guardrail on that cement structure.

Chairman Martin - notify the sheriff's office - what are they supposed to check on.

Walt Stowe - South Canyon, work done there last week, is that all the work we're planning to do?

Tom - proposed to have 3/4" gravel and mag chloride put on the full length this year - late August/early September is schedule - we do have one of the pups in for our truck - the other one will come in next week - will speed up gravel hauling process.

Walt Stowe - Spring Valley as far as regrading up there again.

Tom - as soon as it rained last Thursday, we started grading - it's smoother - there's a lot of traffic.

Walt Stowe - 103 Road, Crystal Springs Road up the other side of Carbondale?

Tom - received the maps yesterday - I'll review them and make a recommendation.

Tom - Stevens Hill, ready to be put out to bid - they're waiting surveying issues - talked to Becky from Burlstone, will meet and finalize.

Ed - while Tom is here let's do 320 Road repave with Tim.

Tim Arnett - resurface County Road 320 - received four bids - lowest bid was Frontier Paving for \$93,768.64.

Tom - that's within our budget - will take it from the irrigation ditch, as you're going up the road, up around the switch backs to almost the water tank driveway, just a little past that last switch back - segment from water tank up to Beaver Creek Road still looking good.

Larry - we're not going to do anything to the section below the ditch?

Tom - no - not at this time - spoke with City of Rifle - they may put a waterline up through there next year - we took a roller up on the rutted part and pushed it down and coated it with gravel - seemed to help.

Larry - they need to restore the surface back to its original condition.

Tom - that may be a time where we can cost share with them - we'll do one lane and they can do the other.

Larry McCown motioned to approve the \$93,768.64 bid from Frontier Paving to do the overlay on County Road 320; Walt Stowe seconded; motion carried.

c. Agreement: Recurring or As-Needed Engineering Services: Anchor Point Specialists

Ed - asked Tim to talk about recurring engineering services with Anchor Point and the network wiring for the Courthouse.

Tim - Janice has an "as needed," for planning and fire suppression, engineering services for Anchor Point - not to exceed \$20,000

Ed - it will be on a release basis with individual project approval.

Walt Stowe - asked Tim to hold off on this until next Tuesday - has discussion questions he'd like to ask.

d. Network Wiring for Courthouse

Tim - we bid out wiring the whole Courthouse so we could all have e-mail and be hooked together - received four bids - lowest was Colorado Cable - \$20,572.77 - bid 250 drops - everybody else bid 150-170 drops.

Ed - you previously approved a feasibility study for developing a local area network throughout the County - done - came back - recommendation has three phases: 1st Phase, provide Cat 5 cable in the Courthouse with two drops per user; we don't have to go back into the walls if we were to put another person in an office - there's nothing we can do until we get Cat 5 cable in - we have the budget - in the computer information systems \$50,000 line item that we can take this money out of - they are a local company - other three bidders are out of the area - we will replace the telephone wire which is in the building now - new receptacle will go in the same place in the wall - will have two leads coming out of it rather than one - we'll put all the service back through those wires - disruption in service will be minimal as most work will be done in evenings.

Walt Stowe - moved that BOCC award a contract to Colorado Cable Contractors in the amount of \$20,572.77 for the installation of Cat5 wire throughout the Courthouse with 250 drops; Larry McCown seconded; motion carried.

e. Peer Review Schedule

Ed - provided Supervisory Peer Review Schedule and Peer Review Presentation Format - addresses two important concepts - 1st, funds to improve Comp arrange with employees; 2nd, related to performance - resultant salary plan consist of matrix that addresses both of those issues - to get to that point, we have to know the distribution of employees from a performance and comp arrange perspective - Phyllis is doing the rework of the numbers in terms of comp arrange - supervisory peer review will address performance side of it - key thing is internal consistency in the evaluation process - from one organization we are applying the standards uniformly -

The schedule is in three tiers:

1. First level supervisors present their staff to a set of peers.
2. Department heads would present to their peers.
3. Ed would present department heads to BOCC/Don DeFord would present his staff to BOC.

Ed - we have schedules for the other elected officials, except for the sheriff's office - sheriff is still considering whether he wants to participate in this - the more we have, the easier it will be to construct the salary matrix.

Walt Stowe - if the sheriff decides not to participate, what problems will that create?

Ed - two options for sheriff: 1st, he can take the results of our deliberations, the distribution that we've constructed, here's the matrix and you can apply "x" number of people in the matrix, and you figure it out - 2nd, give him a 4.5 salary pot and he can figure out how he wants to distribute it - concern with 2nd choice, it may not consider comp arrangement as effectively as if he aligned with the matrix.

Larry - I don't see the other elected on here - involve them in the peer reviews.

Ed - agreed - constructed schedule last week before he knew they were going to participate.

f. County Health Pool

Ed - Key budget issues for 2001 decided upon at meeting last Friday:

- * tempered euphoria regarding the revenue versus claim surplus

- * Segal Corporation recommendations:

- 8.5% increase for medical
- 8% increase for vision (2 year)
- no increase in dental plan

- * Eastern Counties position -- 5%

- * Negotiated budget

- 7.5% for medical
- 8% for vision
- no increase for dental
- other

- * raised physical allowance from \$200 to \$325

- * allowed inclusion of contraceptives in physical allowance

- * allowed inclusion of smoking cessation in physical allowance

- * diabetic nutrition education not added

g. Site plan for Road & Bridge facilities

Tom Russell has been working with Riley Johnson - wrinkle has developed in relation to the agreement with the City of Rifle - agreements states that no future jail or community corrections facilities can be located north of the power lines - can't be on the administrative side - we discovered that if we don't do that, we drastically constrict the area that Tom has to work with - called Selby and asked if it would be possible to provide us more flexibility - Selby thought it might be possible - he believes that Don DeFord and Lee Leavenworth need to construct a modification to the agreement - there are other modifications to the agreement that Carolyn will talk about - Don will call a meeting with Lee, Selby and Ed next week to discuss the details.

Larry - wasn't his intention to never put anything north of the lines that would involve community corrections or a facility of that nature.

Ed - Selby was concerned that there would be architectural standards to make it as invisible as possible - make it look like the rest of the administrative area - the real issue is that there is dead space in the middle of that area.

Tom - when we started we were positioning buildings on flat plat paper - after topography lines were added, grade differences were noticed - terracing will be required - will lose storage.

Larry - it was always our intention to put community corrections down there - do not recommend changing it - would rather spend money to smooth out area we own as opposed to purchasing more land.

Carolyn - was planning to meet with Don and Lee next week re: amendments to agreement - no need for that meeting - here today on behalf of Mr. Hancock - ask you to reappoint members of the citizens' review panel under the children's code - Resolution appoints Al Maggard, Jamie Darian, reappoints Maureen Willman, Sandy Steele and Arnold Mackley, appoints a new designated alternate, Brian Avery - we have an IGA which allows Dale to pull members from other counties - he tried to do it but no one was available - this appoints members to May 1st - we are late - supposed to be done every June 15th.

Larry McCown made a motion to approve the aforementioned members and the Chair be authorized to sign a resolution; Walt Stowe seconded; motion carried.

Carolyn - upon Mr. Martin's signature, these members will all serve through June 15, 2001.

Mildred Alsdorf - for several years I have been on the state system for recording - found out everybody that is third party vendor has to go off state system - which means recording system can't stay on - central indexing is no longer going to be through Department of Revenue - spoke with Georgia and Steve about coming back into the County and going on the server here - brought this up to Jesse - offered a proposal from Eagle Computer Systems to enable her to come back in-house and go on to the servers here and have all recording and vital records in-house - there have been no costs for the last three years - it will now cost us - new PCs in proposal because of the need for updates - Jesse was concerned that Mildred have enough hard drives - updated quote includes second PC and monitor for records room - do not have room where they store paper copies - people can view on computer since Mildred's office scans documents - people wait in line to use those PCs - had to get licenses, Georgia and Steve want to go on the Cris Plus System - they'll be able to view documents in their office - they could also print a document from their office - license costs went up as of July 1st - we can get the licenses for \$520 - otherwise they are \$1,600 - we ordered two for the assessor and two for the treasurer and two for Mildred - one for the Rifle branch office - total cost is \$15,082.00 - next year Mildred will pay \$990 a month for the support service - change was caused because state went to NT conversion - Motor Vehicle will have all new equipment from state in November - they didn't want any third party vendors on the state system.

Ed - makes sense to tie the Assessor's, Treasurer's and Clerk & Recorder's offices through the same NT - leads long term to being able to network the whole County again - make decisions as to what we allow public access to from outside - will cut a lot of staff time inside - one concern is that they were adding hard drive capacity equal to what Mildred's use would be - if resetting up whole NT server, put extra capacity now in preparation for future growth - minimal cost at this point in time \$674 - we've consumed that \$50,000, between Mildred, Web page and getting Cat 5 in - will bring budget recommendation in for some additional dollars next year to complete the land system.

Larry made a motion the BOCC approve the request presented by the Clerk & Recorder in an amount of \$15,082 for upgrades to her system because of the no third party designation by the State of Colorado; Walt Stowe seconded; motion carried.

COMMISSIONERS' REPORTS

Larry - next Tuesday, 9:00 a.m., here.

Associated Governments in Dinosaur next Thursday (governor to be there).

Walt - tomorrow, RTA and Rural Resort - will probably go to RTA.
I-70 Rural Resort Region, Annual Summit Mtg., Sept. 21-22, here in Glenwood.
John - Board of Commissioners meeting, Tuesday, Aug. 29, 9:00 a.m. at Sunlight View -
land use special meeting.
Special Meeting for the Board here today.
MIS I-70 Study at 2:00 p.m.-6:00 p.m. in Silverthorne today.
Oil & Gas, follow-up summation/decision making process, Denver, Sept. 25-26.
Ed - Health Board meeting Sept. 12, Alamosa.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Assignment for Certificate of Purchase on County Held Mobile Home Taxes: Doug Martin

Doug Martin - here to remove two junk mobile homes out of inventory - both located at Elks Mobile Home Park - both went to tax sale in 1999 - 1st, listed to Robert Funnington, taxes are \$223.45 - 2nd, held by Abe Moreno, taxes are \$253.24 - needs a Treasurer's Deed or Title for both.

Georgia Chamberlain - Mr. Martin has requested the County assign two County held certificates on two manufactured homes which are in Elks Mobile Home Park - the statutes provide that upon receipt of the money (due at tax sale) plus interest, subsequent taxes, and a fee, the Treasurer can assign these - statute also provides that BOCC may add another sum of money to what is owed.

Doug Martin - member of the Elks - would give the Elks control over trailers and alleviate rental problems.

Chairman Martin - main concerns are safety and improvements which should be done to trailers.

Georgia - statutes call for Resolution to transfer ownership of manufactured homes - resolution being typed up says County has in its possession tax sale certificate #99-141 and #99-152.

Mildred - asked Georgia to list the year, make, model, and serial number of each manufactured home on the Resolution.

Walt Stowe - moved that the Chair be authorized to sign Resolution when it's available and presented by Georgia Chamberlain; Larry seconded; motion carried.

Grant Application for Book Cliffs, Mt. Sopris, and Southside Soil Conservation Districts:

Walt Stowe - moved that the Chair be authorized to draft, adopt and sign a letter in support of the grant application of the Book Cliffs Soil Conservation District, Mt. Sopris Soil Conservation District and Southside Soil Conservation District; Larry McCown seconded.

Chairman Martin - brought this forward from Charles Ryden, President of Soil Conservation District, to support their attempt to get a draft for improvement of their sprinkling systems, gated pipes, buried pipelines and effective trash screens, as well as land leveling, irrigation water, management plans - long range plan - worthwhile area - affects 27,810 acres in Garfield County.

Motion carried.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Resolution for Cerise Ranch Preliminary Plan

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a - b; motion carried.

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS

Discussion/Decision: Roaring Fork Open Space Park & Recreation District Service Plan

Location: The proposed district boundaries are the same as the RE-1 School District in Garfield County and Eagle County, which includes the City of Glenwood Springs, Town of Carbondale, Town of Basalt, and all of the drainages in the Roaring Fork River Valley and portions of the Flattops area north of Glenwood Springs.

Charlie Willman, Attorney, presenting for the initiative; Pat Fitzgerald; Carter Jackson.

BOCC Special Counsel, Blake Jordan, on the telephone from Denver.

This is a public hearing - the notification for this particular hearing is more involved than most hearings - there are some issues - all people who wish to speak must be sworn in.

Chairman Martin - the discrepancy is should the public hearing should be opened or not opened.

Charlie Willman - tendered to Mildred, copy of the postcard sent out, mark as Exhibit "K"; Exhibit "L" a letter from Direct Data Design which did our mailing in Garfield County - Colorado Revised Statute 32-1-

204 requires two levels of notices - 1st, you and your staff notify by publication in a newspaper (we learned on Monday that hadn't been done); 2nd, we notify property owners within the proposed special district - Postcard (Exhibit K) sent - Exhibit L indicates how the mailing list was devised - list came from Assessors' records - then through software approved by the U.S. Postal Service - duplications and bad addresses were culled from list - tried to get a copy of the list through e-mail - was not successful - Data Design has the list (they are located in Hawaii) - we have fully complied by sending a copy of the postcard (Exhibit K) to all the property owners - or attempted to do that - end of subpart 1.5 of C.R.S. 32-1-204 states, if you fail to notify, as long as you made a good faith effort to comply with this section, failure to notify shall not be a grounds to challenge of the hearing being held - we did everything we could do to notify the property owners - some people did not get notices for all their properties - we eliminated duplications - it was an expensive proposition - our group is strained for funds - what do we do to rectify the problem of the County not having done their end of things - subpart 1 requires that the BOCC provide written notice of the meeting by publication - after talking to Mildred, and it should be in today's Glenwood Independent, we set another public hearing for 10:00 a.m. on September 12, 2000, before the BOCC again - we propose to present today the burden we have to establish on statutory criteria and anyone here can be heard on their requests for exclusions - notice sent allows people to file requests for exclusions at least ten days before that hearing - gives the citizens of the County until Sept. 2 to file a request for exclusion again - notify the people in Garfield County, the citizens, the electors, and the property owners, of their right to be excluded - by having the hearings allows the citizens more opportunity to ask for exclusion and to be heard, rather than less opportunity.

Charlie - one could read from the statute, that all of this is done at one time - BOCC must determine procedurally if it's a problem - what harm is there that it has not been done on the same date - to ask us to redo the cards is a high expense - no additional benefit to taxpayers - doesn't satisfy any additional notification requirements that haven't already been satisfied - we ask that you find that there has been substantial public notice of this meeting and at the conclusion of how we proceed today, that we continue the public hearing to Sept. 12. - we will be asking you to adopt your resolution that day - immediately upon your action on that date, it is our intent to file a petition to get approval of the District Court - we have critical timelines to get this on the ballot in a legal way this year.

Blake - his understanding that Charlie's position is the two notices will not be a problem.

Charlie - yes.

Blake - the more conservative reading of the statute would be that both of these notices need to notify the public of the exact same date - because there are people who showed up today who will not have seen the published notice - people will show up on the second date who will not have received the postcard notice - on the other hand sees the argument that that's not necessarily fatal to the adoption of the resolution of approval if that's where the County goes with this - if the petitioners are comfortable with that defect believes once the District Court looks at it they can decide that issue - told BOCC if an order and decree is issued by the District Court forming the special district then that will eliminate any problems with respect to this issue - the County could determine that they would like the two notices to be the same - that is the best circumstance - understood the problem with sending out another postcard notice - if petitioners wish to proceed ahead with this as a potential problem, can't say that the County has anything to lose by that - this ends up being an issue for the petitioners to deal with - if this is the way they want to handle it, the County would be unreasonable in proceeding ahead - the best result would be to give both notices of a particular day so it is the same day - essentially redo the two notices that have been done so far.

Chairman Martin - which will be impossible.

Charlie - nothing is impossible - it would be difficult and cost ineffective - trying to do something positive for electors of the County - eventually these costs must be absorbed - whether by donation or otherwise - we are prepared, in response to Blake Jordan, to proceed - agreed that the District Court will ultimately have to determine whether the notices were appropriate - the County has no liability or exposure by going forward - it is a risk to us - if the judge says that procedurally it has to be both, and takes Blake's conservative viewpoint, we are out of the election this year.

Chairman Martin - direct question to Charlie, for the record, are you willing to go forward at this time with that risk in hand?

Charlie - yes.

Chairman Martin - asked the Commissioners, are you will to accept notification with the petitioners knowing that there is a risk and they are willing to take that risk.

Walt/Larry - yes.

Walt Stowe - moved that the Board continue the public hearing; Larry seconded; motion carried.
Chairman Martin - this is a public hearing - all those who wish to give testimony please raise your right hand - swore everyone in.

Mark Bean - Exhibits for the public hearing:

- A. Proof of Notice (2 copies sent to the Dept. of Local Affairs at the County Clerk & Recorder on June 21 and August 4 - copies of the notices as well as proof of receipt by the Dept. of Local Affairs)
- B. Notice of Public Hearing (published in newspaper today for Sept. 12)
- C. Project Information and Staff Comments
- D. Amended Estimation of Debt Service (admitted by applicants on July 11)
- E. Letter from Blake Jordan (dated July 5, 2000)
- F. Amendments to the Service Plans (submitted subsequent to the Planning Commission review and recommendation received by staff on August 16)
- G. General comment letters (5 letters pro & con regarding the appropriateness of the district being formed, but do not ask for exclusion)
- H. Letters (53) requesting exclusion of properties (some are the same owners; they have multiple properties)
- I. Copy of C.R.S. 32-1-204(3.5) - part of the discussion that staff included in terms of the 40 acre appropriateness
- J. Original Roaring Fork Open Space Park and Recreation District Service Plan proposal which was submitted to the Board
- K. Proof of Mailing Notice (submitted by Charlie Willman)
- L. Letter from Direct Data Design (explanation of how the notice occurred)

Chairman Martin - Exhibits A through L admitted.

Mark Bean - read part of the Project Description:

The organizers of the Roaring Fork Open Space, Park and Recreation District are proposing to set up a special district to finance, purchase and construct open space and recreation facilities in the mid and lower Roaring Fork valley areas of Garfield and Eagle Counties. (Mr. Bean noted that Eagle County has reviewed this application and has gone through a similar process as Garfield County; Eagle County has approved the Service Plan subject to going through the appropriate public hearing). The District would also include the incorporated areas of Glenwood Springs, Carbondale and Basalt. If approved, the District will have all of the powers authorized by statute, except the power of condemnation, which the organizers have decided to exclude.

The service plan states that the aggregate general obligation of the District will not exceed \$10 million dollars or have a mill levy that exceed 2.5 mills, without voter approval. The District anticipates significant non-local funding to support the open space and recreation program. No local jurisdiction will bear any responsibility for the repayment of the District's debt.

Mark - in terms of the statutes, once the Service Plan is filed with the BOCC, the BOCC may refer to the Planning Commission (which they have done) - the Planning Commission has made a recommendation to the BOCC - the Planning Commission is obligated as the BOCC is to review the Service Plan with certain specific criteria that are outlined in the statutes:

The Board of County Commissioners shall **APPROVE** the service plan unless evidence satisfactory to the Board of each of following is presented:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.
2. The existing service in the area to be served by the proposed special district inadequate for present and projected needs.
3. The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.
4. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Mark - there are five (5) additional criteria that the BOCC **MAY DISAPPROVE** a service plan - these are not mandatory (listed on page 2 and 3 of Project Information and Staff Comments report) - the four read into the record are the mandatory criteria - briefly summarized the most critical criteria-

*(Criteria #1) - residents in the Roaring Fork Valley have been making demands of the County for a number of years that we try and preserve some of the older and larger properties in the Roaring Fork Valley - this is one means by which Garfield County residents could accomplish that type of protection by being able to purchase the property - the County's ability to zone property so that it becomes open space is difficult - staff believes this criteria has been met.

*(Criteria #2) - acquisition of open space, or conservation easements, in an unincorporated area is something that the BOCC presently does not have the financial capabilities to do, within their existing budgets - staff believes this criteria can be met.

*(Criteria #3) - the applicants have proposed a mill levy of 2.5 mills which is projected to generate approximately \$1 million in the first year - proposed to issue bonds in the approximate amount of \$10 million for the acquisition of fee simple land and conservation easements - for the record, the money physically is there; the issue goes a step further, this application is unique because normally a service plan is for water and sewer districts, or road districts, something is physically being put on or in the ground that requires some kind of engineering plans - this case is the acquisition of land and/or conservation easements - applicants have noted a study done by Robert Schultz and Otak Creek Studio that identified possible lands that may be acquired or identified as prime lands for open space - they also make it clear that is not intended to be what the proposal is for this service plan - they feel the board of directors should have the ability to determine what properties and how the money will be used - study would only be a method by which they could evaluate properties and consider the purchase of those properties - there is not really a specific plan as to specific properties that would be acquired - that will be left up to the future board of directors for this district if it's formed to determine what properties are going to be purchased and how the approximately \$11 million in both bond issue and mill levies will be used as well as the other moneys they identified as indirect support, i.e. lottery funds to leverage the purchase of properties - we do not have specific locations identified, but that's not the intent of the district - the intent is to see whether the electorate is willing to fund the purchase of open space within the Roaring Fork Valley itself.

*(Criteria #4) - in the original application the debt service projections were based upon the entire valuation within the district itself - one of the exclusions in this particular type of district are tracts of land that are least 40 acres in size that are presently zoned agriculturally and used agriculturally - staff point of view, that would seem to imply that they not only are zoned A/R/RD, which is the majority of the zoning for the unincorporated area of the County, but they also are classified by the County Assessor as being agricultural too - the original application did not exclude those properties, so initially staff had some question as to whether or not the debt service projections were correct - Exhibit D, they went back to County Assessor, eliminated those properties that are categorized as agricultural that are over 40 acres in size, the projections still show the debt service can be paid in the manner that was originally projected even with the reduced valuation of the properties there - staff believes they can meet the criteria for #4 in terms of being able to finance any indebtedness that would be included there.

Those are the four most important issues - of the other 5 discretionary issues, noted in terms of a comprehensive plan:

*(3) they have complied with the comprehensive plan - does support the creation of an development of both conservation easements as well as the development of open space in the Roaring Fork Valley itself - there really is no other service available through the County, or through some of the municipalities, to acquire property for open space purposes or conservation easements in this particular area

*(4) in terms of water quality management, they are consistent with any water quality management plans that we have for the area - open space would present less of a water quality issue than perhaps the development of properties in terms of the issues that are involved there

*(5) the creation of the special district will be in the best interests of the area to be preserved - a number of residents have expressed frustration about not being able to protect certain pieces of property - this would be the one way the residents in the valley would be able to determine whether or not that's appropriate and they would be able to purchase properties as they are financially capable of doing through the district itself.

Mark - included with the staff reports Mr. Jordan's letter - they are aware of your positions on a number of these issues - the applicants have submitted some additional information to revise the language within the

district itself that would deal with some of the issues that Blake brought up in his letter - noted that the applicants have submitted revised language for the service plan that addresses an issue that the Planning Commission had in terms of their recommendation - the Planning Commission did recommend approval of the proposed service plan subject to the plan being modified to restrict the purchase of land for the purpose of blocking access to utilities for adjoining properties - the applicants have indicated that they are willing to make that type of change to the language which is included in the proposed amendments that are included in the staff report - the other outstanding issue was the 40 acre exclusion - that's been cleared up - the applicants acknowledge that any parcel that is classified agriculturally and zoned agriculturally will be excluded - for the record, of the 53 requests for exclusion, as best I could tell, two of those would be automatically excluded because they are at least 40 acres in size and are zoned and classified as agricultural - the other portions is an issue that the BOCC will have to deal with.

Blake - nothing to add to the staff report - saw the changes to the service plan yesterday - gave Jim a couple of comments which would change some of the wording in those changes to be more in accordance with my July 5 letter.

Charlie Willman - on behalf of the Roaring Fork Open Space Steering Committee, was present as well as Pat Fitzgerald and Carter Jackson also present, for the record, is Mr. Schultz (acting as a consultant to the steering committee), Terry Casey (financial consultant - produced most of the financial information).

Pat Fitzgerald, 1317 River View, realtor, specialize in development and representing developers - brief history of the open space initiative - early this spring a group of people came together with the idea to form an open space district - first meeting in Carbondale, saw a diverse group, ranchers, realtors, property owners, who thought maybe the time has come to take a look at this - there were more ranchers than developer-type people there - later on a steering committee came together - asked to be co-chair - Richard (managing broker at Mason & Morse), Dick Stevenson (past planning & zoning member, agreed to become a director if the district is formed), Doc Jackson (also agreed to become a director), Bob Young (from Alpine Bank, agreed to become Treasurer) - it is not a "no growth" group of people - instead it's people who are concerned with doing what we can reasonably to strike a middle ground, protect property owners and at the same time do something for the Valley - organization and work of steering committee has been to make sure this is not an "antigrowth" issue - in documentation we have excluded condemnation as an acquisition tool - also on service plan we explain that we only would acquire land or easements that were freely offered to us - we wouldn't target anyone - the map that Otak and Bob Schultz put together was an analytical tool - it has nothing to do with properties that we would want to acquire - just a means of saying, if you offered this property, does it have one good quality, two qualities, five good qualities, etc. - to be cooperative worked with the Mid-Valley Sand District (overlapping district) and agreed with them that we don't use condemnation to acquire land or easements - agreement with them allows them to extend utilities across any property we might acquire in the future - agreed that when within the boundaries of their district, they can have the rights of review of what we're doing - any modification to the service plan (within their boundaries) requires their consent - believe they've been as businesslike and fair as they can be - business people may tell you there is an unfair tax burden on businesses - sympathizes with that - neither our group nor your group created the way business taxes fall - is a business owner too, doesn't like taxes anymore than anyone else - knows that his business is dependent upon people desiring and coming to this area as tourists and buyers - we have to keep some of the things that bring them here - people are asking for exclusions - as citizens we have certain things we do for the common good - both of his daughters are now adults, have moved out of the area, but he still pays school taxes, it's for the common good.

Charlie - criteria that Mark Bean discussed - applicants' burden at hearing to show BOCC there is sufficient evidence to support the criteria - will address both the mandatory and precatory type of criteria -

Response to mandatory criterion #1 - our group had a survey conducted by Strategies West - when people were asked if the creation of an open space program in the Roaring Fork Valley was a good idea, 80.5% of the people said yes it was a good idea - when asked if they would still support it if taxed with 2.5 mils, the approval rating dropped to 67.5% - we believe there is an existing need to form an open space district - that need is also in many of the comments that Mark made - we need to preserve the quality of life in Garfield County - it is only through the acquisition of open space and/or

conservation easements that that can occur - it is not going to be developer driven - it is not economically available to them - there are certain limited rights dictated by the State of Colorado that allows you to put conditions on developers - a publicly-funded open space park and recreation district to acquire open space and conservation easement meets the needs that this community has identified to allow the visual corridors that we all enjoy and the open spaces that we all enjoy as living in this part of the state to be maintained.

Response to mandatory criterion #2 - there is not the funding that the County has available to it nor do any of the municipalities in the area have available to it to provide these needs.

Response to mandatory criterion #3 - we hope to be able to take the \$10 million, leverage it into grants and get it as high as \$30 million - Greater Outdoor Colorado, the Lottery, etc., may be available - both for development of trails (we're talking about passive not active recreation), and the moneys from there may give us a lot more money than we could raise by the bonds which would be limited to \$10 million, based on our financial projections - even if we can't do that - even if all we can get is the \$10 million bonds, we believe we can leverage that in purchase of open space or portions of areas for open space and the purchase of conservation easements that will enhance the ability to preserve those visual corridors and the agricultural to the greatest extent possible - as Mark has indicated in his report, much greater than currently is available.

Response to mandatory criterion #4 - we believe that the financial records show that we will have the financial ability to discharge that indebtedness as Mark has indicated, does not become a liability to any other governmental entity if we do not - fully believe we will be able to do that within the 2.5 mils - this whole program was devised as a mean and lean program - that is a program is not going to charge a lot of money to individual taxpayers, but a program that will provide a broad-based benefit to all citizens of Garfield and Eagle Counties, where they are included.

We believe we have met the precatory language of the other five criteria as well - another item is why the boundaries that we currently have - the reason for those is the comprehensive plan in Study Area 1 specifically identifies certain open space and other needs, it is also the area most subject to development pressures right now - pressure is also increasing in the western end of the County, not at the same levels, and not the same immediate needs as exist here - we also hope that if this program is successful and shows to the citizens of the County that we can provide open space conservation trail needs in an effective and cost efficient manner - the western end of the County will join our group or form a second district which will meet the needs of western Garfield County - we aren't intending to eliminate that - whole County needs to be treated fairly across the board - current immediate needs are in the Study Area #1 which is what we've identified and tried to stay within that area and still have definable boundaries - RE-1 School District was a convenient boundary to use which would reduce our costs considerably by having to serve 8 boundaries which would have made this cost prohibitive - we believe we have satisfied all the criteria as required by the statute

Charlie - addressed some of the issues raised by Blake Jordan's letter - Exhibit F, given to your staff, is amendments to the service plan - we did not in those amendments address all the issues that Mr. Jordan raised - will deal with those not addressed :

Power of eminent domain - our service plan says we will not exercise the power of eminent domain - under the statutes we have very limited authority for eminent domain - it's primarily to provide access to properties we may purchase - it is not our intent to exercise that - we believe that it's much clearer to the voters of Garfield County to simply say we are not going to exercise that power whatsoever rather than say that we're going to exercise it within certain legal parameters or we don't intend to as Mr. Jordan put in his letter - there are several statutory provisions which provide for the condemnation authority - those say our ability to operate has to conform to the service plan and any material modification of the service plan has to come back before BOCC and the Eagle County BOCC for approval - it is position of applicants that if we say we are not going to condemn and we go out and try to condemn property, that that would be a material modification of our service plan - as such we do not see any need whatsoever to modify the language - in fact we believe it is more important that the

language be real clear that we are not going to condemn - the only case was Upper Bear Creek Sanitation District vs. BOCC - in that case the Colorado Supreme Court held that any material modification of the service plan had to come back before the BOCC for approval - in that case they were trying to change from a more limited special district to a metropolitan district and the Court found that that was not a new district, but rather was a modification - similarly here, argued that using condemnation authority would be a material modification - any interested person can petition the District Court - if we were trying to condemn a piece of property in violation of that service plan, that person could petition the District Court and say that's a modification of the service plan and the District Court would say that is - we wouldn't be able to do it - we would prefer to tell the voters clearly that we're not going to condemn - we would ask you not to adopt the language as set forth in Mr. Jordan's letter.

In the proposed amendments to the service plan, on the consent issue - Charlie's language different than Mr. Jordan's for a couple of reasons - applicants wanted to add some language that talked about revegetation and some other issues that became part of our discussions with the Mid-Valley Metro District - also wanted to address very clearly for Eagle County the future development of an active recreation site at the Sopris Tree Farm by the El Jebel area and is a big concern to the residents of that area - we have agreed that we would consent to any other district that wants to form active recreation interest - that's the purpose in the wording in paragraph 1 of the amendments sent to BOCC.

In paragraph 2, we have added the language that your planning commission asked that we add, we made a verbal commitment, not contained in our service plan previously, that we would not use locations of utilities to block any expansion of municipal or special district boundaries - we wouldn't buy a piece of land and not allow them to expand their utilities - we did put some limitations on the construction - these are limitations that Mid-Valley Metro District has agreed to about minimizing impact, revegetation, etc. - those are within our proposed amendments to the service plan.

We did adopt some language, slightly different than what Mr. Jordan indicated, on the 2.5 miles - it is our intent not to allow any flexibility, without going back to a vote of the electors of Garfield and Eagle Counties, to increase that beyond 2.5 miles - we want to be very clear to the voters that that is the outside liability they will have for this district - changed opening language on the use of the funds - 70% and those things - conforms to what Mr. Jordan had requested.

The only other issue is paying for the cost of the election - this special district, if it is formed, will have a very limited amount of funds - any money we have to expend (i.e. \$8,000 projected cost of an election) would come from serving the purpose for which the district is formed - we have made this same plea to Eagle County - they have deferred their decision until Sept. 12 because they forgot to publish in the paper as well - they have accepted the same resolution as Garfield BOCC did on the bifurcated hearing - we're requesting both Counties to absorb the cost of the election - we know it's expensive to run elections - we know that we're adding some costs to that election - but we believe that this is a special district with special attributes - we're not going to make any money off of this - we're not developers proposing something that will in the long run benefit us - we're proposing something that we hope will benefit the County citizens - raised issue with Eagle County, and will do same with Garfield, doesn't know who is going to pay if the district isn't formed - doesn't intend to put his personal name on any documents indicating that he'd pay it out of his pocket - no other members of the steering committee would be willing to do that either - it's not like they have an entity that exists that has the ability to raise the funds - we will be raising funds for campaign - but not sure those could be used to pay for the cost of an election - we're asking you to absorb the cost of the election as a service to the citizens of Garfield County.

Charlie - asked BOCC to approve the service plan, to approve sending this to Garfield County District Court - (Additional note: the service plan, as amended, has been approved by Eagle County - we can't go to the District Court with two different service plans - although we do have an opportunity to go back before Eagle County, and will be meeting with them at 9:00 on the 12th, hope that BOCC won't play with the language too much because of applicants' need to have both counties in both places)

Carter Jackson, retired veterinarian - practiced veterinary medicine in this area for 31 years - presently has a ranch just south of town - lived in the Roaring Fork Valley for a long time, about 60 years - has seen it go from mainly rural to mainly residential - the green fields of the ranches of the valley floor of the past and the beautiful mountains had a lot to do with it becoming such a popular place to live - most of the ranches are gone, but not all - let's save some of the past for the future - some of those left would like to keep the ranch in the family, but are having a hard time surviving with cattle prices the way they are today - with a little help to tide them over until market prices improve, they would stay - cattle prices have improved a little this summer - parks and trails are valuable too, but said his main interest was in saving some agriculture in the area, both as a way of life and to preserve open green space which is important to all of us - milk and potatoes come from the farm, not Safeway - the dollars brought in by this tax could be used to buy easements, development rights, or outright purchase of the land - we would only deal with people who are interested - it would be strictly voluntary - over the years he said he's seen mining come and go, oil shale come and go, development will and should always be with us, but doesn't believe it's sustainable at its present level - in closing, quoted an old Oklahoma cowboy, Will Rogers, "Take good care of the land because they aren't making it any more."

Larry McCown - big vacancy in plan is twofold (1) in reading it's very open-ended on what's your intent (didn't remember seeing Bob's map that was used just for recommendation only) - how many acres are the applicants talking about included in this - if you do as Doc Jackson suggests and preserve agriculture and buying ag easements, those are still controlled by the land owner - they are not public parks - especially if landowner is still trying to conduct an agricultural operation because it wouldn't work (2) you also talk about parks and recreation - it's unclear whether agricultural lands are going to be preserved or are we going to build parks with slides and swings and passive trails that lead to it down along the creek - am not clear on what your intentions are - with most service plans the citizens see what they get for their dollar - with this current proposal it's difficult to define what exactly we're buying - what are the intents of this - intent is to form this entity - then later decide what we're going to purchase - that's a little vague - not clear how board of directors are chosen - will they be appointed or elected - will it be a ballot question that takes place in this election - it's an additional cost.

Charlie - answered the last question first - the board of directors is an elected board of directors, as in a rural fire district - yes, it will be an additional ballot question - to answer another question, there would be four ballot questions:

1. formation of the district (includes the mill levy)
2. bonding capacity
3. board of directors (only required for election if there's more than five people who apply)
4. De-Brucing

The board of directors will use their best judgment in purchasing easements and/or open space itself and utilize the funds that are raised in the best method possible - because we are talking about voluntary purchases, we can't identify parcels ahead of time - cannot bind the board - our intent is to purchase appropriate lands for open space and conservation easements to protect what we believe the citizens of this County - that's what the election will tell us - you are right, easements are not open to the public, but they do solve one of the purposes identified in your master plan as well as to identify things such as Carter is indicating - we think it's very important to preserve the agricultural community that has been historically in this County - it may only be through the purchase of easements that that is done - how much we'll be able to do beyond that depends on how many funds we can raise - can't be specific on number of acres - nobody is going to give us property at less than cost unless there's a tax advantage and in some cases with conservation easements there are - when a parcel of land is identified by the district to purchase it, they must come up with a management plan for that parcel - that management plan will define how that parcel will be used - it is possible that we could purchase a conservation easement along some of the ranch land that's along the Roaring Fork River and have them as part of the purchase and agree to allow fisherperson access - it can be open to the public if those agreements are there.

Pat Fitzgerald - one other question from Larry that should be touched on is, according to the service plan we have no interest in active recreation (tennis courts, swimming pools, etc.) - it would be trails and pathways - that's one of the reasons for the agreement with the Mid Valley Sand District - because of their more densely populated area, they would be interested in doing things like that.

Larry - but that would still be at the discretion of the board.

Charlie - no - our service plan says passive recreation - it does not say active - that is a limitation in our service plan - if we modify and do active, we have to come back to the Eagle and Garfield BOCCs for approval - the cost of those facilities are so high, it would make this district economically not viable to the voters.

Larry - believes they opposed Blake's wording on the powers of eminent domain - Blake's recommendation surmises the intent that you've indicated by stating (in the last sentence), "because it is the intent of the district in this service plan to minimize the use of the powers of eminent domain, the district will not acquire or operate any park or recreational facility which will require the exercise of the foregoing power of eminent domain in order to obtain access." - you are not going to go out and buy open space that doesn't have an access to it.

Charlie - that's correct - we are not going to do that.

Larry - that's all that last statement says, yet you objected to that.

Charlie - in all due deference to Mr. Jordan, voters would look at that kind of language as lawyer gobbledygook and would be more concerned that the board would find some kind of loophole to use a condemnation authority - that's the reason why we as a steering committee want to be very clear that we will not exercise eminent domain authority whatsoever - it's much clearer to the voters - it's something that's very important to the voters - we think it's one of the reasons that some of the open space proposals in Glenwood may not have been approved - we want to be clear to the voters that we are not going to do it - when you talk about minimizing the use, that might allow one to do it.

Blake - understood applicants' desire to keep it simple - concerned that the statutes grant this district the power of eminent domain, and while a service plan does control many aspects of a special district's operations, didn't believe that a power which is granted by the legislature can be summarily dismissed or summarily done away with via the service plan - everyone working toward the same end - proponents do not want to use eminent domain - nobody wants to provide them that power if that's possible - the eminent domain power is very limited by statute right now - didn't feel strongly about this one way or the other, however, would not tell the County that an absolute prohibition of the district using eminent domain would be affective if they were trying to use the power otherwise than in accordance with the statute - rather than a simple elimination which might be unenforceable, suggested the language in letter, which is designed to fit more into a material modification argument than a simple erasing of a power that the legislature has granted to a special district - if the normal statutory limitations on eminent domain are acceptable to the County, it may not make any difference whether this provision is enforceable one way or the other - it clearly is evidence of a political intent and the intent of the approvers of the service plan - absence of lengthy litigation this question will never be asked or answered - the reason the change was suggested was not because the district wants to use eminent domain, it's that a provision which simply removes that power that the legislature has granted to them, as opposed to restricting it, may be unenforceable - if the County believes that the current statutory provisions are enough of a limitation then the County can ignore that part of letter - thought there was a possibility that a simple removal of the power is not within the power of the service plan to control.

Walt - (asked Mildred) the cost of the election four ballot questions is that going to be \$32,000 or will it be the \$8,000?

Mildred - it will probably be between \$9,000 and \$10,000.

Chairman Martin - clarification - asked applicants if they were intending to follow the Tabor Amendment or De-Bruce on the ballot question - was that included.

Charlie - that would be one of the four questions.

Chairman Martin - clarification on survey - [Charlie-In survey, people were asked if the creation of an open space program in the Roaring Fork Valley was a good idea - 80.5% of the people said yes] how many

were property owners who were asked that question? How many were non-property owners (and would not be affected)? Percentage-wise.

Charlie - Did not know.

Bob Schultz - about 80% were property owners.

Chairman Martin - about 20% were non-property owners - do we have a total number of acres of the Eagle County area that are affected?

Bob - did not have number with him.

Chairman Martin - in the Garfield County area it's 189,000+ acres, according to plan.

Mark Bean - that was a calculation using the Geographic Information System (GIS) data.

Bob - Rob brought up some numbers up there - there's a portion of the service area that's not included - where Rob's GIS data base ends - it ends a little bit before the RE-1 boundary, but it should be relatively close number in terms of scale.

Rob Hykys - the GIS analyst identified a total of 189,186 acres within the proposed district - of that total, 100,386 acres, or 53.1% is Federal land - 84,383 or 44.6% is privately owned land in the unincorporated area of the County - the remaining 4,417 or 2.3% is within Carbondale and Glenwood Springs - of the lands in the unincorporated area, only 17,949 are in subdivisions - of the remaining parcels, 59,298 acres are parcels over 40 acres in size and the majority of them are zoned agricultural.

Chairman Martin - goes back to Larry's question, how many are really affected and potentially purchasable - would like a breakdown of Eagle County as well so that BOCC will have an overall idea of the acreage in RE-1 school district that would be affected.

Charlie - doesn't have exact breakdown - Eagle County area there are very few parcels that would be available for conservation easements or outright purchase - the area there is fairly well developed - there are some areas that may be identified by the board, but they would be fairly minimal.

Chairman Martin - the make-up of the board would be representatives from both Eagle and Garfield Counties?

Charlie - our proposal was that three people be from municipalities and two be from the unincorporated area of each of the counties.

Chairman Martin - that might be for debate - the percentage of land in the unincorporated area is reversed - the majority of the land is outside of the cities - so the unincorporated area should have more representation.

Charlie - the problem there is the one person one vote problem - we haven't specified individual areas within that - effectively one could have five people anywhere - we are looking for that kind of representation, at least with the initial board.

Blake - comments on the overlapping district provisions - has to do with the new paragraph 1 which the proponents are suggesting would be used to change the service plan - most of it is in response to something included in July 5 letter - his language dealt with a district which is exercising park and recreation powers - the copy of the service plan he had talks about the creation only of a park and recreation district solely exercising park and recreation powers - many districts which might be considered development type districts are primarily exercising street, water and sewer powers, also contain a park and recreation component, either to build playgrounds or other recreational facilities - even golf courses - the language here does not sweep broadly enough to cover a metropolitan district exercising park and recreation powers - the intent is the same - other districts exercising park and recreation powers should be permitted, because they will not interfere, by definition, with an open space district - the way it's drafted right now, it's limited only to park and recreation districts solely exercising park and recreation powers - that is too limiting and if we want to avoid a problem with future districts that the County may want to create to support development, that it should go back to the language which was contained in July 5 letter, that if any district which exercises park and recreation powers should be the type of district that this district would agree to consent to having an overlapping district with.

Charlie - understood Blake's comments but didn't agree.

Chairman Martin - we will now open this up for public comments.

Kelley Cave, attorney representing Mid Valley Metro - hasn't seen the amended service plan - presented letter dated August 2 - it was not in Mark's exhibits - we presented the letter to Eagle County as well as Garfield County - met with representatives of the open space district - outlined a few conditions under C.R.S. - we as an overlapping district are supposed to consent to their service plan - our board presented six conditions of approval - Eagle County approved of the service plan with these conditions - the conditions would be approved as part of the amended service plan or as part of your conditions for approval - Eagle

County attached letter to their resolution and it outlined Mid Valley Metro's position - and these recommendations must also be accomplished.

Chairman Martin - asked Blake if he had seen the letter - no - asked Mark to add letter as Exhibit M - done. Jim Larson, has practiced law for 31 years in Glenwood Springs, owns property in the west end of Garfield County, lived there for many years - have an interest in the east end of the county - urged BOCC to disapprove the proposed open space district - comments based on legal grounds and public policy grounds - the burden of proof is on the petitioners to satisfy the statutory conditions which must be met before you have the leeway to approve the proposal - the statute presumes that the district should be disapproved unless the four statutory criteria are satisfied - the burden has not been met by the organizers and petitioners - there's an absence of satisfactory evidence in these particulars as to the first three criteria - there is no service which is addressed in the service plan - as to criterion 4, there is still too much uncertainty that the special district will have the financial capability to discharge its \$10 million debt - what is proposed is not a special district under the statute with specific services to be provided - what is sought is a device to raise money through taxation of real property to acquire open space and to warehouse it - the organizers make no bones about the fact that this is the overriding purpose of forming this district - pointed out that Colorado Statute defines a park and recreation district as a special district which "provides parks or recreation facilities or programs within the district" - warehousing land under the rubric of open space does not meet the definition of what a park and recreation district can legally be formed for - questioned the assumption that open space is a high goal and objective of "the residents of Garfield County" which is the phrase used in the special district application plan - what kind of open space are we speaking of and do we need to establish an entity with taxing authorities and condemnation powers removing land from the tax base and making it forever unavailable for any kind of development - is this the optimum use to which this land should be put - there are new residents coming into the area all of the time, they contribute as well as we do to our vibrant economy - couldn't imagine that newcomers would be in favor of a special district like this - how can we gauge the so-called demand that ag land be protected from development - most recent residential development of formerly agricultural lands have been highly successful - people have moved here, they purchase the lots, their quality of life is improving - most of Garfield County is already open space with at least 2/3 of it being public land - the bulk of private land has remained undeveloped - setting up this special district leaps over procedures which have been in place for several years which are now being implemented through a county open space and trails committee, the planning commission, and the BOCC - county development regulations require a large percentage of property being developed to be dedicated to open space - open space is preserved through existing policies in place - private land owners are able to develop their property within these existing regulations setting aside much of it for open space - pointed to a couple of developments, Chenoa Development, at least 25% of the land was set aside as public open space and much of the private land within the lots which were subdivided in that revised proposal are open space - look at Mr. McGregor's proposed development which is the Wuhlfson Ranch which will include 150 acres of open space - these are issues which are being addressed by what is in place - private land owners are able to develop their property within these existing regulations setting aside much of it for open space - alternatively they are free not to develop their property and instead leave it as it is or place some or all of it within protective zones like conservation easements - article in paper - "The Aspen Valley Land Trust works to preserve lands in and around the Roaring Fork Valley. The addition of the Stout Ranch brings the total of properties the trust has helped conserve to 40. The total acreage of conserved properties is approximately 6,600 acres. Aspen Valley Land Trust is a steward for conservation properties from Silt to Independence Pass and works with landowners in the Colorado River Valley, the Crystal River Valley, the Frying Pan River Valley, and the Roaring Fork River Valley." - the utilization of existing conservation techniques does not require or encourage a need at this time for a special taxing district to acquire open space - urged BOCC on legal grounds and public policy grounds to reject the application now before the Board.

Bill Evans, 1212 Cooper Avenue - pressures of growth in Colorado are such that this is a crucial period - the preservation of open space is one of the most fundamental principles we have to protect our future and children's future - something we need to do - strong supporter of this proposal - sensitive to those people who are on fixed incomes - both his mother and mother-in-law live on fixed incomes - asked four attorneys if Colorado has the ability to exclude a certain class from this kind of burden - we do not - we do have the ability for individual exclusions - recommended (1) establish criteria for those individual exclusions, (2) finance the open space amendment, (3) allow the people to vote.

Marian Smith, sent in a letter and asked for an exclusion for several reasons - concerned about a district being formed which divide the County in half - poor policy to set - understand the reasons for it - the east end of the County provides services that the west end takes advantage of but doesn't pay for - decisive issue that County needs to be considered as a whole - you acquire all the land, your dollars are going to have to go for maintenance, but there's always public safety issue when you have these trails and bike paths that increase the demand for police officers and emergency personnel - the proposal sounds good, but additional costs haven't yet been taken into consideration.

Larry Valesquez, 158 Columbine Lane, Parachute, CO - lives outside of the district but owns property within the proposed district but doesn't have the right to vote in it now or in the future - we should have some representation where there's a taxation matter to consider.

Ziska Childs, 0284 County Road 102 - been in the Roaring Fork Valley since 1968 - has seen a lot of change over the years - no legal expertise - sat in on the Governor's summit on technology - panel of IT professionals from the front range - one thing that came up again and again, the problem of getting highly qualified professional people to work in high tech industries and to bring them into the State of Colorado - two answers from panel: make the best possible school system and open space - that will bring that type of work force into this state - the next day the Governor announced he was going to have an open space commission - people are coming to this state because it is beautiful - we've got to try and keep what we have in the best possible way we can - open space has to pay for itself or we're just not going to keep it.

David Farrar, 0165 Basalt Mountain Drive, Carbondale - voiced support for the service plan - allow the voters the ability to decide for themselves - well-documented by experts that residential development does not pay its own costs - if development pays its own way, why do our taxes go up - as newcomers move in from areas where services were provided at higher levels, the first folks they talk to are their county officials to ask for better services - that causes the BOCC to have to provide those services and charge for them - this measure will result in an effort to stabilize taxes over time - open space has some demands associated with it if it has trails - not a huge demand - hikers' permit helps fund search and rescue missions into the back country - plan would provide area-wide benefit - exemption requests, evaluate very carefully - support the use of County funding for the election - benefit for County residents - could be expanded to the rest of Garfield County - the service is to acquire property or development rights as a benefit to the public as well as a mechanism to stabilize taxes over time - wonderful service.

John Barbee, 1202 Walz Avenue, Glenwood Springs - family owns property in proposed district area and also just outside the district area in Garfield County - we strongly encourage BOCC to support the presentation of this proposal to the voters in November - open space plan is very good idea - goal and outcome is clear in the plan - it's something we need in this valley - at a future time, district might be expanded as impacts of growth and development continue on down the valley further - good idea to keep it simple and get it started - encouraged the County and the current board for the service plan to include a definition of "active" versus "passive" recreation use - very unclear.

Michael Blair, resides in Glenwood Springs - received a notice in the mail of the public meeting - reviewed the service plan as it was provided in the office of the Garfield County Clerk & Recorder - plan should be rejected because it is incomplete and insufficient - would add an unnecessary tax burden to taxpayers and land users - the real purpose is less to obtain open space, but to establish the opportunity for a narrow purpose group to gain control land use and growth which is the purview of the BOCC - purpose is to buy land generally adjacent to present town boundaries and to limit growth and expansion of those towns - there is not statement to what effect the plan would have on towns if they have no space to grow into - will cause overcrowding in those towns and high land and high rent costs - plan does not state how much of the tax burden would fall upon the remaining smaller properties in the district after large, over 40 acre properties and others, are exempted - the district would not fund, nor develop recreation facilities - the district would create an overlay of costs to taxpayers and hinder opportunities for others to finance park facilities within that district area - the district would create a layer of special interest government and bureaucratic costs - directors and staff seem already to have been selected prior to any public process - the plan states that the district is proposed by the Roaring Crystal Alliance group, but the plan does not list the names of well-known RCA members, and for good reason - it would expose the real purpose of the district - there are well-intended and sincere people that have been drawn in to front the proposal - the proposed district is a veiled scheme to establish land use and growth controls away from Garfield County government - control should remain with the Garfield County government because they represent all of the people of the County - the County government presently has adequate methods to effect open space preservation if it sees the

need to utilize them as demanded by the citizens of the County - the service plan is insufficient in content and devious in purpose and it should be rejected.

John Haines, citizen of Garfield County - received notice in the mail - ask the people how many really want to be a member of this - mill levy increase for school added another \$50-75 to a \$200,000 home - burden that commercial property owners will carry is astronomical - didn't have anything against open space, needs to be funded a different way - you're asking the people who don't use it to fund it - do it through a sales tax so the people who come here to use the land have to pay for it - where will the non-local funding come from - how many people were actually surveyed - ask the developers to help with open space - estate tax is a bigger problem - who pays when a person gets hurt on open space property - recommended the BOCC deny the application.

Calvin Lee, spokesperson for Roaring Crystal Alliance - had not planned to speak - after Michael Blair attacked RCA, felt compelled to respond - it is true that the Roaring Crystal Alliance first came up with the idea that an open space tax district might be a good idea for Garfield County - main organizers Bob Schultz, himself, Walt Brown, Susan Hassel had public meetings in Carbondale, Basalt, and Glenwood Springs, to see if there was interest - the assertion by Mr. Blair is that this is a big conspiracy and plot on the part of the RCA to control growth in Garfield County - everything the RCA has done and been successful at is because we tap into a current that already exists in Garfield County for certain issues - Sanders Ranch, 10% of the people who showed up in opposition of Sanders Ranch (out of the 600) were loosely affiliated with the RCA - the other 90% just heard about it because we advertised it - we tapped into a community sentiment that Sanders Ranch was not appropriate at that location at that size - it was not 600 RCA people trying to control growth in Garfield County - we proposed the affordable housing resolution - made phone calls to Dick Stevenson and Bob Young are you having problems with employees and what do you think about the rental situation and the affordable housing situation in Garfield County - they immediately said this was a huge problem with their own employees - they would support an affordable housing resolution, co-wrote a letter to the BOCC about affordable housing and participated in drafting the resolution - it was not a conspiracy by RCA - with the open space district...we thought of the idea, we drafted the proposal, saw if there was interest, and look what we've got - the Nieslanik, the Kaufman ranchers, Carter Jackson, many realtors, Richard Montrose, Pat Fitzgerald, Dick Stevenson, Bob Young - these are not people who can be manipulated by the RCA - resented the accusation that this is some kind of plot and conspiracy - it's a community of people from broad diverse interests concerned about the quality of life in this community and where it's headed and that developers not control totally the direction that the community takes but the community has some say over the quality of life and how their children are going to live - and what this valley is going to look like in 50 years.

Sloan Shoemaker, resident of Basalt, in Eagle County, property owner in Garfield County - support the proposal providing the voters are given the opportunity to express their will - this is about making irreversible decisions - asphalt's the last crop - it's irreversible - once land is developed one can't recover it - concerns expressed about how the district would be implemented - the BOCC have enough oversight to insure that the operation of the service plan will go according to the County's wishes - encouraged the BOCC to allow the voters to vote on this.

Bob Hadley, 0007 Meadow Wood Road, Glenwood Springs - open space would be a wonderful thing in this valley - came here in 1989 and it was fairly open - since then there's been a lot of building - soon it will look like Dallas and Ft. Worth - open space is very desirable - commends Carter Jackson for putting his property into a conservation easement - wished more ranchers would do this - put this to a vote - let the people say what they think about it.

Andy Segura - lives in Cottonwood Landing - 14th year in Glenwood Springs - deciding factor to move here was the great beauty in this valley - applaud Carter Jackson and his entire family for what they've done - this area is in process of being overdeveloped - development going on right now is explosive compared to what was happening 14 years ago - applaud group that is trying to put something together - hopeful with some changes and ramifications based on the input today that they're going to be able to put something together to preserve some of the great beauty that the valley has.

Harlen Fedder, lives in No Name - supported the open space service plan and the proposed district - the real quality of our community is defined less by the great amount of Federal land that we have available than it is by the agricultural property in our area - ranching and agricultural families have been the historic backbone of our community - we're losing this rural heritage at an alarming rate - agricultural property owners are feeling pressure from development, from land value increases and the estate tax situation - we need to react to what the situation is now - once these lands are gone, they're gone for good - we'll never get

them back - we're seeing the rapid transformation from rural properties to residential, suburban, and practically urban areas - supporting this proposal is one of the things we can do to help the ranching community to stay here and to be able to exercise their property rights which is to continue to use the land as they choose - for the agricultural properties which may have a conservation easement, said he may never step foot on any of these properties or use them or have them for access to fishing or hiking or walking the dog, but these properties still have considerable merit and value and importance by virtue of their existence - most importantly, if they don't exist, the alternative is subdivisions, trophy homes, and golf resort developments - would oppose any effort to pressure or punish any landowners whether ranchers or developers to do whatever they want to do with their property - if they don't voluntarily choose to participate in an open space program, he 100% supports that right - in terms of property tax, not as fortunate as many of you to own property - been a tenant for 15 years and knows that every time landlord's property tax goes up, his rent goes up - feels like he is contributing indirectly - this issue is so important to him, he'd be willing to contribute voluntarily to this district on a yearly basis based on the assessed valuation of his dwelling - believes there's other tenants who live in this district who may contribute likewise if they are asked - there may be residents outside this district but within the valley and county who may contribute voluntarily, if asked - urged the BOCC to support the initiative - please let the voters decide.

Larry - asked Pat Fitzgerald - if Larry walked into Pat's office with \$30 million, guaranteeing that he could pay an annual \$870,000 payment, how many acres could he tie up on option?

Pat F. - in the proposed service area, depends on whether you buy the outright fee ownership or are you buying conservation easements - if just optioning it - probably a substantial amount.

Larry - made a motion that this meeting be continued on September 12, 2000, at 10:00 a.m.

Charlie - if the BOCC continues the meeting, asked that the BOCC direct staff to prepare two resolutions, one approving the service plan and one disapproving it with some post findings - we're on strict timelines - how will we deal with the exclusion issues on a procedural level.

Chairman Martin - on one hand, are you willing to create and pay for open space on the other hand, we're taxing those who are on fixed incomes, the notice is legally faulty, we have a system in place that can take preservation of areas, the open space that is affected is 53% non-developable already, the cost of the election, the exemptions of those who wish to be out, the rewording of a service plan because it is faulty and needs work, make-up of the board for representation is faulty, the funding possibility, boundary vote, needs to put his faith in the people who voted him onto the BOCC, several issues which need to be answered by Sept. 12th.

Walt Stowe - willing to continue meeting until Sept. 12 as Larry has moved, also with the direction to staff to prepare the resolution in both scenarios as Mr. Willman has requested.

Larry - amended his motion to that effect; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.

BOARD OF HEALTH

Sandra Barnett and Lisa Pavlisick were present.

Lisa - gave update on Healthy Beginnings.

Sandra Barnett, public health nurse for Garfield County, in Glenwood Springs - Mary Meisner is at a bi-regional meeting for Public Health Directors - job today is to tell BOCC about program for tuberculosis - gave description of tuberculosis and how it spreads - described programs available.

Chairman Martin - asked how often are the employees of the jail tested?

Sandra - they should be tested every six months to a year - \$8/test if one can afford it.

Larry - is there a shortage of flu vaccine?

Sandra - there's not a shortage - one strain is a little more difficult to produce than others.

Larry - moved that the Board come out of Board of Health; Walt seconded; carried.

HUMAN SERVICES COMMISSION - COUNTY GRANT ALLOCATION

Lisa Pavlisick introduced the results of the Human Services Commission - distributed and explained 2001 Human Services Grant Committee Recommendations list and committee comments.

Margaret Long - 24 Hour Crisis Response - is not adequately funded - but is mandated service - it is our safety net - we need especially from a public safety standpoint - remember that there's a portion of the population that is chronically mentally ill.

Lisa - BOCC has the final say on funding - these are recommendations of the committee.

Walt - made a motion that the BOCC approve the Human Services Grant Committee as per the committee's recommendations for the year 2001; Larry seconded; carried.

Lisa - Bruce Christenson is resigning and we would like to present him with a plaque in appreciation for 20 years (1980-2000) of service to the Garfield County Human Service Commission.

Bruce - it's been a privilege to work with the Human Services Commission.

SOCIAL SERVICES

Larry McCown made a motion to go into Board of Social Services; Walt Stowe seconded; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

Ambulance License

Ed Green - License #4 for Silt Ambulance acquired from another agency - Dale and staff have conducted review - ready for BOCC approval.

Larry - motioned that Chair be authorized to sign a license #4 for the Silt Ambulance; Walt seconded; carried.

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS

Amendments to Subdivision Improvements Agreement: 4 Mile Ranch Subdivision

Lee Leavenworth, attorney representing Four Mile Ranch Development Company the owner of the Four Mile Ranch Subdivision - introduced Russell Colodny, officer with the company.

Russell C. - getting more involved with project - couple of delays in the past - have subcontractor and contract in place - set up a schedule when we can start and complete - introduced Bob Montief, head project manager - projected completion date October 31 - subcontractor says it can be done by that time - Frontier Paving staying open through November - we'll pave the last week of October - we will get Tom Russell (R&B) a more detailed traffic control plan - subcontractor is subbing out the traffic control to a professional traffic control company.

Bob Pennington - we've spent a lot of time with the subcontractor going over and looking at this schedule to make sure that we are comfortable that this can work - what we did with Robert was increased his manpower and equipment because this has to happen to meet your requirements.

Lee - there are penalties in the contract if not completed on time.

Russell C. - if any of these completion dates are not kept there are penalties for liquidated damages.

Larry - asked who gets the damages money - who will get the calls if the road is torn up when the ski traffic starts.

Lee - the County is holding all the money to pay for this job - we'll involve the County in the progress - if it looks like we're getting behind, we've told Tom if that happens, we will get enough money out of the contractor to do a temporary overlay before winter - we'd then rip that out and redo it in the spring.

Larry - this subcontractor doesn't have an act of God clause in his contract?

Russell C. - there is a weather delay clause in the contract - we need to meet the first or second week in October - if we're behind at that point we need to make a time drop dead date to abandon the project, put down an overlay for the winter, start back up in the spring.

Larry - past involvement has been State highway projects - will not allow any paving to occur if the temperature drops below 55 degrees - they do that for a reason - improves quality of pavement - if you're out there the last week of October, you're going to have minimal windows where you can pave - to meet those standards - it may get 55 degrees a couple of hours in the afternoon, then you've lost your window - no paving contractor is going to move in, set up, fire his batch plant up, for two hours of paving a day.

Russell C. - agrees - spoke with Charles from Frontier Paving - he's under opinion that there will be no problem doing it - we will have proper inspections to show it is being applied right.

Walt - how long has Frontier been in business?

Russell C. - doesn't know.

Larry - did they operate under another name?

Walt - last year was an exceptional year that he could go through to December.

Tom Russell - none of us can call the weather - when it gets cold all work stops - if they were to start construction we'd have to have guarantees that they would be able to stop when the weather gets bad, seal the road, provide the maintenance throughout the rest of the winter to be sure the road stays together - we'd have to have that guarantee - none of us can afford to have that road closed for any portion of time during the winter.

Larry - once we give the nod, it trips the trigger on the whole thing - once you start, there's no stopping point.

Larry - agrees on sacrificial asphalt and ongoing maintenance over the winter - with weather the way it is, we may not get to do the sacrificial asphalt.

Tom R. - asked Russell if there was any phase in the project where it can be stopped and brought back to its original condition and capped off in short order?

Bob - we can do the actual excavation on the bank - where that dirt has to be moved all of that can come down to the road - about Sept. 15 (cut and build slopes #3 on the schedule) - that much of the work can go other than traffic control - traffic barriers down on the road affecting traffic up through there, we can bring that cut down to that point - there are things that we could proceed with - then take another look.

Larry - there's also some significant grade changes in the roadway itself.

Bob - the maximum cut in the road is ten feet - at the top of the slope there is a rock retaining wall which has to be built - that's part of the excavation - that takes place before one gets down to the road surface as it exists now.

Larry - you've got that starting the 4th of September - you're going to be in the road excavating.

Bob - that's down on Midland - start at the low point and work uphill.

Larry - how much activity will that be? on Midland?

Bob - can't tell without looking at the plans - no change in elevation on the road - change in elevation on the road takes place about 400-500 feet up Four Mile - that's where actual cut starts.

Larry - thought High Country Engineering Company was the engineering firm.

Russell - they still are - they're the subcontractor actually doing the work.

Chairman Martin - has there been any trouble with the City in their section on the Three Mile Midland section that runs through there?

Larry - what's the urgency? - it would be economically better to wait until spring when the weather is improving instead of starting a project like this when the weather is deteriorating.

Russell - the concern is from a marketing standpoint - until the sewer is in, people aren't going to be buying lots and buying homes - if we need to do a short addendum to the SIA that says here's the schedule, we'll have weekly meetings with the County Engineer and Road & Bridge, if the weather turns bad and we're behind schedule, make a decision to do an overlay.

Larry - comfort level is still, once you start, are we going to be at a comfortable stopping point, i.e. with adequate drainage, where we can plow snow, etc.

Lee - the developer very much wants to be able to say that the sewer line is being installed and the road is being done - the owner believes that he's gotten sufficient assurance from Ground Zero that the job can be done.

Larry - if that weather window goes shut, you're still going to be looking at June.

Lee - the owner is willing to take that risk - he's put up a cash deposit - suggested weekly or biweekly meetings with the County Engineer and Road & Bridge - if for any reason we're not on track, shut it down and we'll get the overlay on - that decision can get made in a timely manner so it can happen.

Larry - Four Mile Developer requesting to start ASAP on the road - several of the Board members indicated a problem with the weather window - don't want to get caught with a partially completed road when the ski season opens - Developer has indicated they are willing to, at whatever point we would indicate, shut the project down, put temporary asphalt on it or a road surface that would substantiate temporary asphalt, come back in the spring, remove temp asphalt, project would continue on to final phase - we have funds in place for the completion of the project - asked Jim how to address this other possible mitigation to insure that funds are available to complete this "at risk" situation.

Jim L. - doesn't understand enough of the background of this.

Larry - there's a reluctance to let them start the project this time of year knowing the completion date if everything fell together on their schedule would be the end of October - which is a marginal time to pave with the 55 degree temperatures - the developer is willing to take the risk of moving forward - BOCC concern is health, safety, and welfare of not having a road in a hazardous condition for the ski people and the people who live up Four Mile to drive over - developer willing to put a temporary surface on that road

if they have to shut down and can't pave under our specs - come back in the spring and start over - how do we guarantee that? - we only have escrow enough for one time.

Jim L. - a couple of issues come to mind (1) liability issues regarding roads are scary - it's always been a big concern of the County's - the developer willing to take risk and guarantee that the project will be done in a timely manner.

Lee - there is an existing subdivision improvement agreement - in lieu of a letter of credit, we have posted \$560,000 which is the engineer's estimate of the cost to finish the off-site work - on-site work is done - the owner has reached a comfort level that he can get this job done - thought to do an amendment to the SIA saying we'll meet with County engineer and Road & Bridge - if we're not on schedule and it appears the project needs to be shut down, we'll put an overlay on for the winter and insure that there's adequate drainage, come back and finish in the spring - suggested that if job gets shut down, within 30 days bring in an engineer's estimate of what it will take to finish at that point - and supplement the deposit.

Jim L. - agreed that an amendment to the SIA - it will need to be ironed out in terms of what additional considerations will have to be made to the SIA under the new scenario.

Lee - thinks the amendment should be done right now.

Jim L. - would suggest the same thing - improvements relate to the SIA - the problem is going to be how to guarantee it - asked if Lee anticipated an increase in the letter of credit/deposit.

Larry - would depend on how much the roadway has been disturbed.

Lee - at that point we'll do an overlay - get an engineer's estimate on cost to complete - post that additional amount with County within 30 days.

Lee - will draft an amendment to the SIA.

Russell - there will be a weekly meeting with subcontractor, developer and County.

Larry - we need to understand that if a chip and seal surface is used it must have enough material under it to handle the weight.

Russell - it will be engineered and approved.

Lee - will make a draft and get it to Jim and Don to review.

Walt - if you can make an arrangement with our attorney - an arrangement that is satisfactory in the next five days, anything you do in the interim is at your own risk, as long as you are not cutting the County road - developer must make own arrangements with the City - no permission with the County road until BOCC sees final agreement.

Lee - we'll get something done.

Larry - you'll have to slide at least a week on the cut and fill slopes because we don't meet until next Tuesday.

Recess -

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to recess until next Tuesday, August 29, 2000, 9:00 a.m.; carried.

Attest:

Chairman of the Board

AUGUST 29, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, August 29, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M.

BUILDING & PLANNING ISSUES:

PUBLIC HEARING:

A. Sunlight View II Planned Unit Development and Preliminary Plan

Mark Bean, Josh Marks, John Taufer, Dr. and Mrs. William M. Zilm, and Larry Green were present.

Josh Marks - acting as BOCC counsel - applicant has identified a deficiency in notice.

Larry Green - counsel for applicant - discovered that the mailed notice of these proceedings was defective - this is a combined public hearing on a planned unit development and a preliminary plan - Garfield County regulations require that people get two forms of notice, identical except for that fact that one refers to the hearing and the planned unit development and the other one refers to the hearing and the preliminary plan - only one of the forms got into the envelopes that were sent to the adjoining property owners - solely counsel's fault, not applicants' fault - apologized to board, members of the public who are here today - no choice - we cannot go forward - notice is defective - requested that this matter be rescheduled as soon as possible - in a way that applicants can accommodate the re-notice provisions - publication for the PUD aspects require that it be noticed in the newspaper more than 30 days - earliest possible meeting would then be the first week of October - regular BOCC meeting on October 2 of that week - discussed with County attorney and planner special meeting time - what is BOCC preference, regularly scheduled meeting or special meeting - if a special meeting, request Oct. 5th or 6th - Mr. Zilm will be out of the country until Oct. 4th - if BOCC prefers Oct. 2, Mr. Zilm will rearrange his schedule and come back.

Charlie Willman - attending as an interested person - requested that new meeting be scheduled for a nighttime meeting - a number of people could not come today because of work conflicts.

Larry M. - if we schedule this for Monday, October 2, from 3-5:00 p.m., if there was additional testimony needed, could come back at 6:30 p.m. - Charlie's argument is that they can't be there during normal work hours - we reopen it at 6:30 and get a fresh batch.

Walt - inclination is to start at 3:00 p.m. - stay through - if we start running past three hours - take a break for dinner - by going that late in the afternoon, those who are working have the opportunity to leave work early to come and testify - go until we close the hearing and we come to a conclusion - realizing at 5:30 or 6:00 a recess may be required.

Charlie - if BOCC can be flexible, can let them know that day that there may be people arriving at 5:00.

Walt - made a motion that BOCC set public hearing on the Zilm PUD and Preliminary Plan for 3:00 p.m. on October 2, 2000.

Larry - seconded motion; motion carried.

Improvements Agreement on Four Mile Road - CR 117

Chairman Martin said there have been some issues that have come up pertaining to the Improvements Agreement.

Larry M. - need to wait because their attorney was going to be here at that time - told by County Attorney that BOCC item listed at 10:15 was to take place at 1:30 p.m.

South Canyon Road

Chairman Martin - South Canyon Road - will water it, roll it, grade it, put more gravel on it, mag chloride it - in the next two weeks.

Detention Center

Mark Bean - suggested accelerating the discussion on the detention center change order - need attorney, Tim, Sheriff, for the discussion.

Chairman Martin - will reconvene at 9:30 a.m.

Surplus Vehicle Titles - Auction

Larry M. - moved that the Chair be authorized to sign surplus vehicle titles to be sold at County Surplus auction, 1993 Ford 4-door, 1995 Ford sedan, 1995 Ford van, 1984 Chevy truck; Walt seconded; motion carried.

DISCUSSION/ACTION CHANGE ORDERS GARFIELD COUNTY DETENTION CENTER

Sally Port Door

Tim Arnett - Got together with Randy and sheriff two days ago - looked at the sally port door - discovered that Riley Johnson didn't understand what was needed - sheriff wants to put buses through this door - the way Riley Johnson set it up, there's no way a bus can go through the door - it's a 12' door, but the ceiling is only 12'3" - the cheapest way is to take the floor down, and eliminate the steep drive into sally port - drawings of how they are going to cut it - will have to go with hydraulic door - planned by Johnson all along.

Chairman Martin - roll-up door will interfere with security camera.

Tim - problem all along was that sally port door was not made tall enough - down in Mesa County the ceilings are 16 feet - they have a 14' door.

Don DeFord - contractually where we are right now - brought into discussion yesterday because of the status of the contract both with the architect and the general contractor - it's clear that a change order will be required to accomplish any of the various alternatives that are being proposed - Tim presented a memo that came by way of Breshiers and Riley Johnson - the last page has three separate options which were discussed yesterday by phone - with cost estimates - contractually at this stage, County is required to add a 4% fee for the contractor as well as contingency - right now the bid price from Haselden includes a roll-up door - that's the first change order that would be required under the recommendation that Tim has made - there are alternatives that are being proposed to leave in the roll-up door - while on the surface those seem to be less costly, as noted in the letter and in our discussions yesterday, those will require some structural alterations to what is already in place - may delay the project - the last thing we want to do is have the owner cause any delay, if at all possible - it had to be brought to you quickly because Haselden is saying they will have the pre-cast arriving after next weekend, they will be proceeding to put in place the next floor, next week, and they need to complete certain of the improvements on the first level that involve the sally port before they do that.

Walt - looks like all three of the modifications require a modification of the roof structure - all three of them could potentially lead to a delay.

Don - the third one does not.

Tim - we do have to add six inches to that door?

Don - if BOCC goes with third choice, talked with Tim about an authorization to execute a change order not to exceed \$50,000 - the reason for that is don't have a price on the 6" for the door - did not calculate either the 4% additional or any additional contingency that needs to be put in place - did not have Haselden's sign-off on this - not certain of these other costs - think they are close - that type of authorization would give a little flexibility to make sure change order gets executed properly.

Tim - they want to go with the hydraulic door.

Walt - with option three - have they considered the other two or priced them out to us.

Tim - they don't want to go up with the roof - they see a lot of problem - since the slabs are going to start showing up Tuesday.

Don - had questions about 4% addition for Haselden because understood that Haselden proposed the roll-up door as a value engineered cost reduction - it wasn't feasible - to charge us 4% to put back the feasible option does seem out of hand - has anyone explored that with Haselden?

Tim - Riley Johnson should have never allowed us to take that - they planned the twelve foot opening with a 12'4" ceiling - will talk to Haselden.

Chairman Martin - do you recommend option #3 - not delaying the project - not altering the roof structure but to go ahead and go hydraulic door and lower the grade of the floor - which does not interfere with the alley.

Walt - when floor is lowered 6", there will be one foot of head clearance at the top of the door?

Tim - bus is 11'6".

Walt - what is clearance from bottom of ceiling to top of door?

Tim - 4" - that's why they'd have to cut the whole roof out to put a roll-up door in there.

Larry - looks like the usable portion of the sally port - showing a 12'6" door opening - up in the sally port one can clearly see the floor is raised - what is the clearance going to be - 12 foot?

Tim - back in farther, it's 12'7".

Larry - looks like they are establishing their existing grade out there right now - they are saying they can take all that material out and re-grade the floor for \$2,000?

Tim - yes - this will be flat all the way through now.

Walt - Haselden has an opportunity to give us a price - what it would cost to do the modified design with the roll-up door - realized we need to move quickly - we're using the same twin "T's" at this point - we're just cutting them in the field and make a gap and bridge truss over that - the procedure can go ahead, the "T's" can arrive Monday, we can approve the lowering of the floor - would like to get an estimate from them and a commitment they'll keep the same time schedule and cut this twin "T" out and put that modification in.

Walt - we lose some strength by getting rid of the horizontal slab in a knockout - the bulk of that strength comes from the drop down "T's"

Walt - hydraulic door is no problem - that's what the sheriff has wanted from day one.

Ed - part of the reason is he fears there will be a maintenance problem with the roll-ups - their life span based on 100,000 openings is a bit over three years - that would be going back to the well again.

Tim - Mesa County has had that one down there for nine years - no problems.

Walt - if roll-up door is the best way to go, we should go that way - if not, we're talking about spending \$30,000 more to go to a hydraulic door.

Tim - had problems with springs on roll-up doors in Grand Junction - can't use the door if the spring breaks - there's no way to open it - there's no override - with hydraulic one can override to open it - in Mesa they had two doors - if one didn't work, they used the other one - here we can't do that.

Don - problem is the change order requires action by the Board.

Larry M. - motioned to authorize the Chair to sign a change order not to exceed \$50,000 to accommodate for the hydraulic doors and renovation work to accommodate it; Walt seconded.

Don - before voting is there a way to provide alternatives to staff through that motion so that if Janice were to determine, during the next day or two, that Options #1 or #2 are technically and cost-wise more feasible, that the staff could go with those options?

Walt - we'd have to get figures from Haselden to make sure they will commit to an extension of their time - it's a \$30,000 difference.

Janice - maybe we could go ahead with lowering the floor.

Ed - lowering the floor will benefit us regardless of the decision.

Walt - in any option, the floor has to be lowered - we can ask Mr. Johnson to foot the bill on that one.

Larry - not sure about changing motion because time may not allow that to happen - if we move forward with this design for the hydraulic door - how much time will Janice need to evaluate this situation - if we authorize the change order, Haselden will move forward - willing to withdraw his motion.

Walt - why don't you withdraw it.

Larry - withdrew his motion.

Motion

Walt - motioned that the BOCC approve the lowering of the floor level in the garage and that BOCC instruct staff to review Options #1, #2, and #3 to see which is most cost effective and then as of Friday, we move ahead with instructions to Haselden on one of the options, with the total not to exceed \$50,000; Larry seconded.

Ed - so your motion authorizes staff to decide upon the door option based upon the cost effectiveness.

Walt - thought Options #1 and #2 would come in higher than \$15,000 - thinks they will be \$20-25,000 by the time Haselden tweaks it - thinks first two estimates are a little low - with the other option we compromise the constructional integrity to a large degree - we'll go by the engineer's recommendation - if we don't have it by Friday, we'll stick with Option #3.

Don - motion is a cost and time motion - cost you've expressed as 70% and time is no delay.

Motion carried.

BUILDING & PLANNING ISSUES:

PUBLIC HEARING:

B. Amendment to Subdivision Improvements Agreement: Four Mile Ranch Subdivision

Kelly Cave sitting in for Lee Leavenworth introduced Russell Colodny.

Kelly - drafted an amendment to the SIA - Don DeFord has approved it - Russell has an update on traffic.

Don - if Board has not had a chance to review the actual amendments, should probably take a look at the language - said he hadn't been here when discussion took place - needs to confirm that language is what Board agreed to.

Don - didn't know how else to approach it at this point - that leaves it within the Board's discretion - as long as the usual arbitrary standard is what we'd have to rely on - we'd like things to be more specific than they are - given the time frames, if you want to move forward and they want to move forward, we have to do it with that type of ambivalent language.

Don - had a concern that the decision by the County to close the project down would have to be made in a time-frame that would still allow chip and seal to be put on - that cannot be put on at any time of the year.

Russell - we discussed a week ago when we were talking about the paving - 50 or 60 degrees was mentioned as a minimum temperature - has a card from CDOT specs allow one to pour down to 40 degrees and rising - that probably buys us a little time - a few weeks until it gets down to the 40s during the day.

Larry - the CDOT specs?

Chairman Martin - concerned if applicant was in the middle of that 8 foot cut and there was exposed earth - won't be an easy grade - difficult to fix the road if applicants get into that critical point.

Russell - no matter what the weather is as long as there is no snow on the ground, putting chip and seal down, that will last a six month period.

Chairman Martin - said that wasn't the problem - it's the grade itself that was making him nervous - there may be a tremendous cut in the bank when they run out of time.

Robert Martin, from Ground Zero, contractor - first thing they will approach is the cut - establish the grade up the road so that if applicant needs to pull back on any plan, we can put the road back intact - in two to three weeks that cut will be done - shouldn't have any weather we can't handle.

Chairman Martin - what about the bypass detour when the cut is being made - how will that work?

Russell - we brought A-1 Traffic Control with us - he's drawn up traffic plans - was going to have him talk to Tom today.

Cal Whitman (A-1 Traffic Control) - drew up two traffic controls plans - one with flaggers - also one with portable stoplights - whatever will be the best to suit the traffic needs is what we'll use - the stoplights can be in a twenty-four hour operation where flaggers can't be - depending on the road cut, how serious it is, we may want to stick with the stoplights - didn't make a lot of copies - just has the one - according to the MUTCD, has their specifications about how to set this up with the stoplights and with the flaggers.

Larry - thought this was a moot point - whether they would have started next June or now - traffic control is the responsibility of the engineering company and our R&B dept.

Robert Martin - the access road to the west is going to be a lower elevation because it's in a draw right now - when we take the road down, your access road and the new cut on the road will be somewhat the same elevation - it's not going to be ten foot apart.

Chairman Martin - that's what we needed to hear.

Don - asked Kelly about the access road and the lay-back for the road - are the easements recorded that had been discussed before.

Kelly - yes - has easement agreement with McGregor's property which is where the majority of the road cut will be - right now in the process of giving a general notice letter to the other owners that it may affect, as you suggested, that have driveways that may impacted by the construction - the actual easement agreement that affects property that wasn't within the right-of-way is completed and has been recorded.

Don - this agreement and the transfer right now is to the Four Mile Ranch Development Company - that would need to be transferred to the County because it becomes part of the County road.

Kelly - yes.

Russell - the date would be for the road to be a useable road again.

Don - normally a project can be turned over to the owner for use at substantial completion rather than final completion - maybe we should use "substantial completion."

Walt Stowe - November 5th is a Sunday.

Don - said let's use the 3rd.

Walt - the other question is on page 2 - referenced what John eluded to - third line from the bottom of the first paragraph, "County may require Owner to stop construction" at that point insert "bring road to newly-designed grade and then to immediately place chip and seal" that way everybody understands where the elevation is going to be.

Robert Martin - there's a major cut in a certain area - the rest is a grade change, not a lot of change there - wouldn't need to pull out asphalt until the last minute - then do the fine grade and road repair - keep risk to a minimum just by taking out the heavy excavation early.

Walt - insert "original grade or a grade acceptable to County Road & Bridge Department" then we all understand that we need a workable grade in there - fine with the rest of the agreement.

Don - if you're O.K. with it suggested a motion be made to authorize the Chair to sign the proposed amendment to the SIA with Four Mile Ranch Development with the changes just enumerated by Commissioner Stowe.

Walt - So moved; Larry seconded; motion carried.

Don - there's a second letter agreement which Kelly needs to present for consideration - also a scheduling/progress report.

Kelly - changing cash deposit agreement just slightly to have disbursements go through office instead of County Treasurer having to do most of the work - she preferred that method - we're updating the cash deposit agreement to have invoices and slips go directly through our office - the County will approve it - same process.

Don - participated in these discussions - was a change requested by Georgia - unless there's a problem with it the Board needs to authorize the Chair to sign the letter of August 28 modifying the cash deposit agreement.

Walt - So moved; Larry seconded; motion carried.

Russell - meeting with Tom Russell today to get started - there are trees that are marked and we are not touching them.

Janice - that's all Tom Russell wanted to resolve.

Don - asked Kelly to re-do the agreement with the appropriate language and then the Chair can sign it.

Kelly - will bring it back to be signed after lunch.

Walt - asked Janice to check the regulations for pouring temperatures for asphalt

Don - is there a temperature minimum for putting down the chip and seal.

Larry - not as critical - the oil itself is heated and then the chips adhere to it - it's done more rapidly than the asphalt process.

EXECUTIVE SESSION

Larry McCown motioned that the BOCC go into Executive Session to discuss a personnel issue; Walt seconded; motion carried.

Walt - Janice, Mark and everybody at the table, except Jim, needs to stay.

Walt - moved the BOCC come out of Executive Session; Larry seconded; motion carried.

OTHER BUSINESS

Chairman Martin - asked if there were any other items to be discussed - next meeting is Tuesday, September 5 - will be late for meeting - asked Co-Chair to start meeting - will be 45 minutes late.

Adjourn

Larry - motioned to adjourn; Walt seconded; motion carried.

Attest:

Chairman of the Board

SEPTEMBER 5, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, September 5, 2000 with Chairman Pro-Tem Larry McCown and Commissioner Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Pro-Tem McCown called the meeting to order at 8:00 A.M. He mentioned that Chairman Martin had a previous engagement in Battlement Mesa that would make him late to this meeting.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Employee of the Month - Terry Peckham

Terry is with the Child Enforcement unit. A County employee for 4 years. Her commitment to Customer Service is a recognizable part of her selection.

Sally Port Door Update

Randy Withee, Tom Russell and Tim Arnett were present and explored the options available to the Commissioners.

Randy reported that Hazelden gave three different proposals:

- Option One - Door planned to use - the adjustment makes the door unusable.
- Option Two - Raising the Roof Structure - \$20,000 and was thrown out. There would also be a delay of 2-4 weeks.
- Option Three - Hydraulic door and lowering the basement floor - \$41,086.

Randy recommended to pursue the hydraulic door option.

Ed affirmed that recommendation for option three.

The Board was willing to proceed with option three and a motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the expenditure; carried.

Construction Parking

Ed mentioned that at this time the employee parking is under-utilized and the construction parking should be allowed at that area.

The Board agreed.

Sunlight Peak Communication Station

Dale Hancock and Tim Arnett gave the report.

Dale mentioned he has worked for three years to obtain cooperation in building a new unit on Sunlight; however that never materialized. The budget item has been carried over since 1998.

Tim sought bids; Pro Paint, Inc. submitted the total cost came to \$7,960 for re-roof, re-side and paint Sunlight Peak Radio Equipment Building.

Another part of the discussion reported that Bob Kibbler, Communication Director wanted to move some of the emergency communications to this site. This will eliminate the Air Stream which is necessary. The Communication Authority will pay for the transfer of their equipment. The Forest Service is jointly participating. The plan is to implement these improvements within the next two weeks.

Commissioner Stowe moved to approve the Chair to sign the contract with Pro-Paint for \$7,960.00.

Chairman McCown stepped down Chair Pro-Tem to second it; carried.

Cubby Trevena Resolution

Ed gave the update on the planned fund raiser for Cubby Trevena thanked the press, and read Resolution drafted to recognize Cubby on Saturday, September 9, 2000 as Cubby Trevena Day. Recommended that Commissioners execute updated Resolution to that effect. Walt Stowe so moved; Larry McCown stepped down as Chair to second motion; motion carried.

CB Track Structures

Tim Arnett and Tom Russell presented the proposal for \$171,600.00.

The buildings purchased over a year ago are needing to be moved. Plans were to move them to the new site in Rifle. However, according to the Ordinance, the building needs to have a concrete floor because vehicles cannot be parked on dirt.

There are two buildings involved.

Bids were received from three contractors; low bid was Alpine C.M. Inc.

Tom Russell stated the funds are within his budget and can be erected this year. The location for placement has been decided. The soil samples and testing are complete. This winter the building will be used for storage. The long term will be for equipment storage and for Weed Management.

The location is on the east side of the property. This still allows for Community Corrections. A more detailed drawing is in the process by Bob Johnson. A December 1, 2000 date was suggested for erection completion.

A motion was made by Commissioner Stowe to approve the contract with C.M. Inc. in the amount of \$171,600.00 to disassemble and relocate two metal buildings from the CB Track to the Airport property; seconded by Chairman McCown who stepped down as Chair; motion carried.

Pre-Trial Officer

Guy submitted a letter from Judge Ossola supporting the proposal for a pre-trial release program.

There was a meeting with the Criminal Justice Board on Friday; a committee was appointed to start developing criteria; bondsmen have been invited to participate.

If the Board sees that the program is not addressing the problem, what happens to the new employee hired to run the program? Dale suggested making this a year-to-year contract position instead of an FTE, and tie it to a quantifiable measure. Guy mentioned a couple of months to get this position in place. Commissioner McCown favored the idea employee is hired as a contract employee. This would give time to see how the position worked out with the proposed cost saving program.

A motion was made by Commissioner Stowe to approve the furtherance of the pretrial release program and take the necessary steps to get a contract employee on staff, and work with the judicial system and Guy Meyer to make this happen; Commissioner McCown stepped down as Chair to second; McCown requested quarterly reports; carried.

Budget Meetings

Ed will begin budget meetings with the department heads this week - about three weeks ahead of schedule. The data system is working better this year.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update:

Release of School Impact Fees

RE-2 School Board asked that \$92,000, that the Treasurer is holding in school impact fees, be released for planning of new construction for their elementary school and related growth planning. These funds have accumulated from 1993 to present. The School Board August 17th letter stated they would will indemnify the County for any claim or liability that the County incurs in releasing the funds.

Don recommended the Board by motion authorize the Treasurer to release an amount not to exceed \$92,000 in funds that the Treasurer has collected for RE-2 School District.

Walt Stowe so moved; Commissioner Stowe stepped down as Chair to second; carried.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe to go into Executive Session to discuss pending litigation; Commissioner McCown stepped down as Chair to second; carried.

A motion was made by Commissioner Stowe to come out of Executive Session; Commissioner McCown stepped down as Chair to second; carried.

COMMISSIONER REPORT

Discussion of Memorandum of Understanding - Municipalities Land Use Review Applications

Mark Bean, Sam Skramstad Mayor of Glenwood Springs, Tom Beard from Battlement Mesa, Dave Ling from City of Rifle; Randy Vanderhurst from Carbondale; and Steve Rippy from New Castle were present. Intergovernmental Agreement for Development Review (IGA) draft was reviewed, and discussion was held.

Carbondale has signed and everyone else has agreed to it in principle.

"Technical Compliance" versus "Complete" and "Public Hearing" should be "Public Meeting."

The request includes the proposed application go out to the Municipalities prior to Planning stated that it was a complete application.

Each municipality would decide who would be the reviewing entity - whether it be Council or P & Z.

Don mentioned there would be some modifications and changes needed to the Subdivision Regulations if this was adopted. Specifically in item G and A.

Commissioner McCown mentioned the work load increase for the County Building and Planning Department.

Mark suggested issuing any final recommendation back to the Municipality.

"Potentially impacted" in paragraph "A." needs a better definition.

McCown wanted a clear indication of who is reviewing these applications, and suggested tabling the IGA draft until September 11, 2000.

Mark suggested Council be the reviewing entity.

McCown suggested the political entity of each Municipality be the reviewing and commenting entity.

Stowe said sphere of influence needs to be identified; should every town be notified every time something comes up. McCown mentioned going to every municipality is not fair to the applicant. It should only encompass the neighboring entities.

Teresa and Don on word smithing; Mark on updating the changes; and reconvene discussion Monday, September 11, 2000.

Chairman Martin arrived at 9:23 A.M.

CONSENT AGENDA

Jesse Smith was present.

- a. Approve Bills
- b. Sign Resolution of Approval: Yenter Guest House at 0604 Mineota Drive
- c. Sign Yenter Special Use Permit: Guest House
- d. Sign Resolution of Approval: Riverview Ranch Preliminary Plan Application
- e. Approve Acknowledgment of Partial Satisfaction: Subdivision-Improvements Agreement Coryell Ranch Co. LLC.

A motion was made by Commissioner Stowe to approve the consent agenda; Commissioner McCown seconded; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

PUBLIC HEARING - ABATEMENTS

Chairman Martin - Garfield County Assessor, Steve Rippy is here to present items - sworn in.

- a. High Country Urology P.C. - the amount is less than \$1,000
- b. Arch Diocese of Denver - schedule was granted a tax exempt status by State effective 11/1/98 - sent notification of that.
- c. Angelo Cardillo - temporary office listed as their inventory - mobile home sales lot - typically doublewides are temporarily used for an office - continue to be part of the inventory - eventually they are sold - do not get taxed if they are part of the inventory - abate the taxes for this year.
- d. Alpine Bank - in New Castle - had agreement on ownership of lot - they didn't actually own the land - leased the land - land and building taxes separately - Alpine Bank

- purchased the lot last year - added building to lot but forgot to do away with other schedule - double taxation of the building.
- e. Science Outreach Center, Inc. - granted a tax exempt status - by the Division of Property Taxation - document reflects that abatement.

Commissioner McCown made a motion that the Board approve the abatements: the Arch Diocese of Denver, Angelo Cardillo, Alpine Bank, Science Outreach Center, Inc., given their change in status; Stowe seconded the motion; carried.

PUBLIC HEARING - RURAL TRANSPORTATION AUTHORITY

Present for the discussion - Stan Stevens, Dave Sturges, Dan Blankenship, Alice Hubbard, Bob Noone, Mark Bean, Bill Evans, Mary Steinbrecker, Steve Smith, Tim Thulson, and Casey Cass.

Don DeFord reviewed the required public notice and advised the Commissioners they were entitled to proceed.

Dan Blankenship gave a brief review of the request to form the Roaring Fork Transportation Authority by Garfield County signing the Intergovernmental Agreement.

The RTA proposal if approved, would mean that voters in each jurisdiction will have to approve the formation of the authority and the increase in sales taxes needed to pay for it. Glenwood Springs and Carbondale voters will be asked to approve a 0.4 percent sales tax hike. That should raise \$1.5 million in Glenwood, enough to fund 23 percent of the RTA's planned \$6.45 million annual budget. Carbondale would put \$246,000 into RTA.

By signing the IGA Garfield County would be asking the voters in Glenwood Springs and Carbondale to approve a Rural Transportation District; the areas of New Castle, Silt, Rifle and Parachute would not have the opportunity to vote at this time. The defined boundaries in Appendix A only includes Precincts 1 - 12, RE-1 School District Boundaries.

Dan Blankenship mentioned there were limits placed on the powers of the Authority. There is a statement included in the IGA that says, "the RTA cannot finance construction of the rail system without the approval of voters throughout the region, or from the jurisdiction from which the funding would come for the system." Dan said it was clear to him that in order to build a rail system, there would be more funding required both for operations and for capital than currently is included in the proposed budget for the RTA.

Public Input

Mary Steinbrecher - 611 Harvard Drive, Glenwood Springs, representative from the Council on the Regional RTA Policy Committee - the improved bus service would alleviate some of the traffic going through the city - will stabilize the work force in the valley.

Jean Golay - 714 Cowan Avenue, Glenwood Springs - five years ago trained for the Olympic Games in this area - didn't give much thought to alternative trails or routes - used the trails and routes in place - now retired from professional racing, works in the valley; a recreational cyclist and runner, commuter and parent - addressed the trails component to the package included in the IGA - real benefit to the County to have a continuous trail throughout the valley - more people would ride their bikes to work if there was a safer alternate route besides Hwy. 82.

Dave Sturges - 1310 Riverview Drive, Glenwood Springs - concerned that the current bus system is barely able to maintain the service it's trying to provide - encouraged the Commissioners to let the voters decide if they are in favor of this additional tax.

Stan Stevens - 1313 Oakway - presented a handout with calculations to support his position of being against the RTA proposal and IGA to form the RTA Authority - main objection was that Garfield County would be paying the cost of sending workers to Aspen.

Steve Smith - 63 116 Road, unincorporated Garfield County - ballot question the Commissioners are considering today as described by the IGA is the right thing for Garfield County - the best arrangement, the best document for assuring the continued transit service in this valley is not operated exclusively for the benefit of Aspen and Pitkin County - government and community representatives from towns other than Aspen and counties other than Pitkin have been vocal about being sure that their interests are being protected - that their service is going to actually be improved - benefits to their community, both financial and in terms of convenience for their citizens, is incorporated in this proposal - historic move - RFTA service was started as a Pitkin County operation and it gradually has worked its way down the valley, with some other contributions, but it has always been focused on the upper end of the valley and always

financed primarily by the upper end of the valley - opportunity for this Board to change that by bringing your representation to the day-to-day operation - this was also geared toward protecting and maintaining the service and activity they already have - asked the Board to put the issue on the ballot and let people vote.

Tim Thulson - 518 N. Traver Trail, Glenwood Springs spoke for himself and on behalf of Scott Balcomb who was on the initial advisory committee - explained that it was their opinion that this proposal primarily benefits up-valley - voters could decide this issue - one problem with the IGA is the changes for the dilution to Garfield County vote, namely, if there are future increases of funding, this would be a district-wide vote and up-valley could carry that; and if you're voting on a district-wide basis, that would dilute the Garfield County vote as far as taxes are concerned - per capita, Garfield County has one of the highest effective tax rates in the area - needs to be clarified - if there are going to be initial tax increases, there should be some provision in the IGA to protect the individual votes in Garfield County - the initial vote, if unincorporated Garfield County does not vote for this proposal, the sales tax will not be levied against Garfield County - would like to see that clarified some more because it doesn't seem to be consistent with Section 9.

Commissioner McCown - inquired about the ridership from Glenwood to Rifle and given the fact that none of the entities, such as Rifle, is involved; if those ridership numbers were not what the RTA is proposing, how long would RTA continue to run that particular service?

Dan Blankenship - the decision in terms of how long to run the service would be based on how far off of the projections they are - the rate of growth would be over a year or two period - a fair assessment period would be for three years, adding, where the buses were added, the buses filled up pretty fast - if there is demand from Rifle, Silt and New Castle, it will start to materialize fairly rapidly once the service is implemented - in the first year a significant amount of growth should occur, if it isn't happening, then keep a close eye and restructure to fit the demand.

Commissioner McCown - Glenwood Springs stated they did not want to be the end of the line for this should the service not extend I-70 west - if that was the case, and New Castle, Silt and Rifle were not paying entities, it is going to put a financial burden on those entities that are paying to provide this free service - if it isn't working that would be the first section cut out.

Dan Blankenship - concerns from Carbondale's public hearings - asked for a sunset on the free service to Rifle so that after 5 years it could be evaluated - if Rifle, Silt and New Castle were reluctant to become members, then the service would be scaled back or curtailed - projected the significant senior population in Rifle and young people would be riders of the service - concluded that only those working in Glenwood Springs would be active riders because the connection to the bus service in Aspen meant long delays - it was a "carrot" because Glenwood Springs has gone on record saying they wouldn't join without service to Rifle - this would be an experiment of providing the bus to Rifle.

Commissioner McCown - the makeup of the Board and the voting structure with 2/3 rd's majority of Glenwood Springs and unincorporated Garfield County wanted to keep this service in effect and the other entities, unless the areas of Rifle, Silt, New Castle paid their financial share didn't get the service, then the voting ballot would be lost.

Commissioner Stowe - if New Castle, Silt, Rifle and Parachute should all come on board, then Garfield County would have seven votes out of twelve - there would still be a 2/3rds requirement - this is working under a risk. Chairman Martin - current employees of RFTA are under Pitkin County - what is the labor force, cost, retirement, insurance, etc. and would this be absorbed under the RTA formation?

Dan - not all of it - cost of services for the skier shuttle, the City of Aspen, and the City of Glenwood Springs - these costs would be paid by those entities - Garfield County would only absorb cost for the RTA associated with labor and fringe benefits, etc. - would be related to regional services because everyone else would be paying their fair share of the cost of services they are providing - employees would be under Pitkin County initially while they work in the transition - in winter it is approximately 215 employees and with the RTA proposal in place it would require another 40 employees and during the rest of the year it drops to about 175 and with this proposal to 200 - 210.

Commissioner Martin - services to the handicapped and elderly in Aspen? - if this was a contract with the RTA or if Aspen would take that over totally and run their own system.

Don - intention for the RTA to operate that service.

Chairman Martin - at present it was \$78,000 for that service and there are 25 riders - equates to a \$3,150 subsidy for each one of those rides.

Don - total ridership per year is 3,000 and ranges about \$40 per trip which is not uncommon for a specialized transit service.

Chairman Martin - compared this to the service in Garfield County - The Traveler - has 480 riders - it's the same level of service as received in Aspen and at the same level of funding it would be \$1,512,000.00 which is not addressed by this RTA - not including Eagle County which would have to be added in if all counties were fair and equal - on the contracts in place dealing with design and planning of the trails, is that going to be included along with the Roaring Fork Holding Authority Plan of Trails?

Dan - the RFHA would still have responsibility of implementing the design and construction of the segments of the trail that are in the lower Roaring Fork Valley which extends from Glenwood Springs to Emma - RTA would have the authority to appropriate a budget for RFHA that would replace existing general fund contributions from all the jurisdictions that are current members.

Chairman Martin - by joining the RTA at this time and allowing it to go on the ballot and it passes, would Garfield County become a member of RFHA?

Alice Hubbard - this would be a separate agreement.

Dan Blankenship - the only thing being planned at this time was the merging of the planning responsibilities which should give people a level of comfort that decisions made currently by RFHA in isolation of other planning processes, would become a regional group in an organization that was approved by voters region-wide on which elected officials are appointed by their own jurisdictions served to make decisions with respect to regional planning matters and that RFHA would have continuing responsibility for maintaining the trail, weed abatement, handling legal activities or challenges, etc. and for constructing the trail.

Chairman Martin - during the transfer who would hold the access control?

Dan - RFHA - Glenwood Springs had a concern about that and they wanted to make sure that existing provisions with respect to easements that have been granted would be honored.

Chairman Martin - Garfield County hasn't been a part of this and now they are being asked to absorb these costs through the budget process in this question of joining the RTA supplying money for maintenance, design, etc. - the indebted service of Pitkin County and Aspen in reference to what they have purchased - \$4,000,000 worth of buses, etc. and the indebtedness of RFHA the bus - what does this total?

Dan - about \$7,000,000 to \$7,500,000.

Chairman Martin - in a Regional Area, the Commissioners are being asked to absorb those costs and relieve Aspen/Pitkin County of that debt in a small degree.

Dan - the City of Aspen will share in that debt as will the City of Glenwood Springs and the Ski Company and other entities that the RTA provides services for; so that debt will be shared based on a formula that will be developed by the RTA members as part of the transition plan, if the RTA is approved. It's a package deal since Garfield County would be sharing those services.

Chairman Martin - sales tax - if it doesn't satisfy the indebtedness and your estimation is wrong and more money is needed, where does the money come from?

Dan - would be like all budgets where debt has to be satisfied because of the incumbrances associated with the bonds when issued - Referendum can be submitted to the voters asking for money funding by the RTA.

Chairman Martin - the jurisdiction would be asked to increase that sales tax and it would be a boundary election to increase those taxes - overall boundary that is established as an overall vote and the majority in that established boundary is what rules - RTA has been changed in wording and five or six questions have been added to each jurisdiction, has this been tested, the attorney general an interpretation, has legislation been challenged in any way and would it be challenged in any way if someone you can not allow jurisdiction to jurisdiction vote -- it is in the enabling legislation that says, "a boundary once established, votes on the issue" and those that are in the boundary initially are in the RTA win or lose.

Alice Hubbard - Mike Johnson wrote the enabling legislation, a partner of Kutak Rock, who is a nationally known law firm with 300 staff in 17 cities around the country, and he wrote the IGA - issue of having a region wide vote or a jurisdiction to jurisdiction was discussed - everyone preferred the jurisdiction by jurisdiction approach and Mike Johnson assured that this was legal - he has 20 years of experience in developing these IGAs.

Chairman Martin - contacted numerous attorney's throughout the different parts of the State (not even involved) - enabling legislation, in their opinion, stands - once the boundary is formed, you vote, you're in - doesn't matter that you have a jurisdiction to jurisdiction vote according to them, so what we have - the differing opinions, different attorneys and it is a legal question and you are asking the Board of Commissioners to gamble with that.

Dan Blankenship - the downside is that you have the election and somebody challenges it and for whatever reason the whole thing comes apart - conceivable that you go to court and make the case that Mike Johnson is making - the intent is that you have a majority of the people who vote to be included in the jurisdiction - going community by community, ultimately you end up with boundaries of communities where the majority of the people voted to be in - subtle difference than the other way which is to say you have to have a region-wide vote and it's a majority of everybody voting in the region which allows the possibility that some community might be pulled in against its will - even if it was done this way, somebody might find something to challenge - no guarantees.

Chairman Martin - Mike Johnson also did something subtle which is called "separability clause" - anything that was within this item that is ruled unconstitutional or illegal, would be thrown out but the rest of it stands - therefore, if that issue is challenged and overturned, and the boundary must be honored, it's thrown out jurisdiction to jurisdiction - those that allow that boundary vote are in the RTA and that's in the separability clause as well - if Mike Johnson was so sure, why didn't he say anything in this that is found illegal or unconstitutional, the entire thing should be thrown out - the entire RTA dissolved.

Dan - has seen the separability clause which is boiler plated in just about every contract that they do which basically says, if there's a provision in the agreement that turns out to be unconstitutional or illegal, it doesn't mean that the whole agreement is down the tubes - in this particular case since there is a funding question that is not the same from jurisdiction to jurisdiction, that it is a little different - summarized that what Chairman Martin was fearing was that even though Garfield County voted against it and everybody else voted for it and somebody challenged it, they could pull Garfield County in - Dan's concern would be more that someone could challenge it because the elections were not held in the spirit of the law and even though Garfield County voted in, the courts would rule that the election was invalid - it could go either way.

Commissioner McCown - still bothered by the fact that RFTA is hiring employees, drivers, support personnel, etc. - they are Pitkin County employees - is Pitkin County involved in the hiring process?

Dan - no - RFTA has their own personnel policies and procedures - an IGA allows them to do this - it is between the City of Aspen and Pitkin County who merged their services back in 1983 and formed the Roaring Fork Transit Agency.

Commissioner McCown - by signing the IGA and placing this issue on the ballot, you said one really scary thing - the assumption of the \$7.5 million debt service including repayment that would be done similar to Garfield County's budget where the debt service comes first and then you cut services or whatever needed to make the debt service - route from Glenwood Springs to Rifle, a nonpaying route which is being operated in a deficit to this vicinity; if the sales tax,

economy shifts - this is all directly tied to a sales tax - should the economy shift, which everyone has seen and remember the mid-80's, these numbers could go away - numbers are conservative, so right away service has to be cut, but continue to pay the debt to Aspen and Pitkin County.

Commissioner McCown - formation of this whole thing is to provide transportation, not provide a guarantee of debt service to the upper valley - transportation would be cut in order to meet the debt service.

Dan - in 2001 the debt service is estimated to be somewhere near \$782,000 a year - total budget for the RTA is estimated to be with all contracts, grant revenues and fares is \$10,000,000 so while it's a significant amount, the way it works now is that the sales tax generated in Pitkin County 1.5 cents, and all the debt they have is secured by the 1 cent which generates about \$6,000,000 per year - that debt service is netted out and RFHA is able to use the net for operations and for capital expenditures - what's being proposed by the RTA is no different; the assets purchased with those bond issues will be used for the RTA so it's a continuation of paying off equipment and facilities that are going to be to the benefit of the RTA and a prorated share of those costs is going to be charged to the City of Aspen, Rifle and Glenwood Springs and a ski-shuttle service and any other services they provide - if Carbondale or Basalt wanted to provide a local fee to collector service, they too would get a prorated share of debt on that bond and help to pay it off - when the County does a bond issue, the requirement is that the bond holders have first call on those dollars. Commissioner McCown - knew that and to adjust the Garfield County budget, the Commissioners would cut services - the bottom line to the formation of this Authority is to increase service and transportation in the valleys.

Dan - proposed RTA budget is not padded - with sales tax increases, they will have to manage it and they will get phased in as labor and equipment is put together so it's hard to predict where RTA will be and use the wisdom and expertise of the members of the RTA Board to determine what services are the most

efficient, where they can trim and scale back that will do the least damage - some services in the upper valley might get trimmed in order to implement new services in order to make this proposal work out and see balanced and work out for everyone.

Chairman Martin - can Garfield County have services without joining and only do a contract of services - Ski Co; the Senior Bus in Aspen, etc.

Dan Blankenship - the RTA has the capability of doing contracts with any jurisdiction.

Commissioner Stowe - current employees from Pitkin County - if RTA were in place tomorrow and you were to hire a group of people next week, would they be employees of the RTA, or would they automatically go under Pitkin County? - grandfathering the existing employees out, so does that mean you intend for all new employees to enter under the RTA or work with this high root system until you can get some form developed for all employees to keep that equity, or will you have unequal employee benefits within the program.

Dan Blankenship - there is going to be a lot of support for developing for a different wage and benefit package and bringing new employees under the RTA umbrella as opposed to making them Pitkin County employees - Pitkin County has some pluses and minus's in having these employees under their umbrella because the cost of workman's compensation is shared and also included in the Colorado Counties Health Insurance Pool.

Don DeFord - the Board is being asked to approve the agreement in the format agreed to at the August 24, 2000 Policy Committee Meeting?

Alice Hubbard - yes - with a couple of minor additions.

Appendix - to show the portion of RTA funding that would result from the proposed sales tax rates to be added; Section 8.03 - Reorganization of RFRHA -- would be an explicit mention and added in (f) "the existing provision of the RFRHA IGA shall be honored by the RTA" - they were concerned about a crossing issue and wanted to make sure that this was acknowledged; Section 8.04 Maintenance of Effort - (e) a decision was made to commit at least \$25,000 per year to paratransit and did it with the Traveler in mind and Glenwood Springs asked that it specifically say that, such as the Traveler or equivalent services.

Alice - asking Board to officially approve this document.

Don DeFord - technical question in the Appendix B-4 the ballot Garfield County Ballot Title - asked if the RTA supporters had calculated the total tax that goes in the blank.

Alice Hubbard - gave the figure - the 1999 number with a 10% annual growth rate date assessed sale tax base projected to 2001 - cautioned that they were careful not to put exact numbers for what would actually be generated to the provisions of the Tabor Amendment.

Don DeFord - Alice has represented how it was calculated.

Chairman Martin - would each jurisdiction be paying for the ballot?

Dan Blankenship - group grant available for the cost of the election expense (or some part) if that were required by Garfield County.

Dan - commented on Stan Stevens remarks - 1st - hold harmless agreement in the IGA with the City of Aspen share being reduced by what amounts to \$320,000 from 1999 dollars - if lodging tax doesn't pass in Aspen, the overall contribution from the City of Aspen increased by \$560,000 over money that was available currently from sales taxes that in their jurisdictions - hold harmless agreement was implemented - all of the RFTA reserves were from taxes collected in the upper valley over time - if RTA Initiative passes in Pitkin County they would still be putting in about \$1,950,000 into the RTA and they have 5 years in which to come up with their additional share; and about \$400,000 to help set aside some funds for capital replacement in the future.

Senior Van - Pitkin County and City of Aspen increased their share to the RTA to pay for the subsidy and everything except the Maroon Bells service which could be satisfied by just raising the fare for that service.

Upper Valley reducing their level of funding for regional services - this is not accurate. An overhead chart showed the financial numbers and the percentages of travel to and from the various locations.

Commissioner McCown - Section 9.02 - Withdrawal of Initial Members subsection (a) (i) - (ii) - (i) will have to occur before (ii) - means the Pitkin County question or the Glenwood Springs question fails, this is all null and void? By the 28th of November you submit an application that you want out.

Don DeFord - this is an option.

Commissioner McCown - the IGA and the District could proceed without those two players.

Don DeFord - May.

Commissioner McCown - why - given the current service area - why are they not considered a Regional Transportation?

Dan Blankenship - lack of legalization that allows them to have a unified, dedicated source of revenue for mass transit - other mechanisms are available - 1/2 cent mass transit sales tax that was approved by the legislature back in 1990 - HB-1031 - Transportation Tax which has been utilized by Eagle County and by Pitkin County to provide some funding for transit and it would be available for Garfield County - jurisdictions like Carbondale that are capped out as far as sales tax is concerned, there is no mechanism to provide any funding except from the general fund or potentially from the property tax for transit; and what this does is the enabling legislation allows jurisdictions to band together and have a specific dedicated tax that allows them to go above any other statutory caps that they may have with respect to sales tax - they act in many ways like a region, but the only place where elections have been held with respect to funding that is dedicated to transit has been in the upper valley - Pitkin County and Eagle County, representatives from Glenwood Springs and Carbondale on the Board and offered to, the citizens of Garfield County haven't really been in franchise in terms of whether or not they want to participate in funding and operate mass transit services and this RTA legislation gives them that mechanism and if it is placed on the ballot they can decide as to whether or not it's something that their local jurisdiction should be involved in.

Chairman Martin - those same options are available to Garfield County to go ahead for moneys for transportation through the State and the same process Federal Government, etc. with less of a risk also than what is in front of us.

The question was posed to Alice Hubbard as to whether or not the RFRHA agreement was being incorporated into the RTA agreement by reference.

Don DeFord - that is correct.

Chairman Martin - said if Garfield County would become part of RFRHA by acknowledging those and accepting the agreements that are in place.

Dan - there is an 18 month transition period which is necessary on the RFTA side of this as there is more to deal with - intent is that the RTA Board of Directors would assume all policy making functions for both RFRHA and RFHA at the time that the RTA is formed - there is still an IGA that exists that created RFRHA and it will have some bearing on decisions made here, but in terms of long-range planning, etc. that will be pulled out of RFRHA and what they're left with is maintaining the trail of the corridor and working on a regional trail system - funding for that purpose would be approved by the RTA Board of Directors - RTA Board will be in charge of RFRHA because they have the purse strings.

Garfield County would not be a member of RFRHA but would still have some control over that organization - no liabilities of RFRHA.

Alice Hubbard - Mike Johnson said it was very clear that RFRHA and RTA were two separate IGA's - no changes with RFRHA agreements and therefore the wording was placed in the RTA IGA.

Garfield County has a slight margin of registered voters of all the jurisdiction - they have 44.4% of the total valley voting population including the cities - unincorporated Garfield County is 24.6% compared to 43.4% for Pitkin County - RTA boundaries.

Close Public Hearing

A motion was made by made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner Stowe to go ahead and sign the IGA with the understanding in the provisions that Alice Hubbard has noted today including the revision of the added Resolution from Glenwood Springs limiting the RFRHA Authority to the access portions as Mr. Zanella has pointed out; Commissioner McCown seconded.

Discussion

Commissioner Stowe - not a big advocate of additional taxes but he does believe it's the job of government to provide not only national defense but also local defense and also transportation - we are here to make sure we have a good transportation system and part of that transportation system in our valley seems to be a bus system - Garfield County should be a player in this overall development currently that would give representation, at least 3 votes of the 8 from the Garfield County area should other Municipalities decide to join in the future, Garfield County could well become the majority player in the RTA Agreement - we have sufficient protection I think against the rail issue at this point and that it will not become a railroad project at least in the foreseeable future and hoping by the time that might even become an issue, we'll have other Municipalities join this project - turn this over to the voters and give them an opportunity to make this

decision - uninformed public could make a decision - will cost Garfield County approximately \$10,000 to put this issue on the ballot but I for one would like to see what the citizens have to say.

Commissioner McCown - personally still had doubts - financial responsibility that goes along with this is considerable contribution - existing transportation is Aspen/Pitkin County Transportation Entity providing services for down valley - hoped public can be educated on this particular item and vote accordingly in November.

Chairman Martin - first of all thank you Alice and Dan - you're trying to keep your business afloat and keep the people employed - supplying a great service- bus service needs to expand - more people need to be participating - IGA does not get me there - Aspen to Parachute needs a bus service - do that through contract services - open up competition and drive that price to a reasonable price - legal questions and challenges will come forward.

Call for the question - all those in favor of the motion to sign on and pass the RTA to the voters?

Those in favor -

Commissioner Stowe - Aye

Those opposed -

Commissioner McCown - Nay

Chairman Martin - Nay

Therefore, it does not pass.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Calvin Lee representing Strong Built Log Home, a corporation - President George Strong also present - has an issue which he would like to address to the BOCC about zoning code confusion - seeking informal solution.

George - currently holder of a Special Use Permit for a sawmill four miles north of Rifle - have a permit in Carbondale - have incorporated sawmills and log home buildings together - virtues of the two businesses are no different in impact, visibility, equipment - one lady complained that it wasn't in direct print on special use permit - given a 30 day shut down notice - taken care of it - log home which was half built on lot was moved - the lot now consists of some logs - permit allows log storage - it's another part of the sawmill - we can't operate a business any more without building log homes - what we do in the shell process is hand peel the log, hand scribe logs to one another, after cabins fit, disassemble, haul to site, fabricate until complete, windows added, chinking - been doing this for a long time - we make our living this way - been in the valley for over 100 years - needs a variation to sawmill permit to allow building of log homes in order to be able to stay in business - not building two plants - moving out of Carbondale - have to be out in two years - very vital that moving starts now - there are 23 acres in Carbondale with 25-30 truck loads of logs, two sawmills, we'll get rid of some items - with move to Rifle will have less equipment - this is better for County and the public to let in as lower impact operation.

Calvin Lee - George and Strong Built Log Homes started in 1994 to process logs and notch them, put them together in a log home to see if it would be appropriate for transporting to a site - then the logs would be numbered, disassembled and transported to the permanent site - under a special use permit granted to the owners of the Rifle parcel back in 1984 to do a sawmill - recently a neighbor has complained to planning and zoning department that what George is doing is not a sawmill because he's notching the logs and putting it together and then disassembling and shipping out to site - planning and zoning department now interprets the zoning code to mean that extraction and processing of natural resources in A/R/RD does not include assembling the log home before shipping it out - that falls under fabricating which is allowed in agricultural and industrial as a special use - fabricating is building or creating something out of natural resources - the confusion and the unfairness of all this is that in 1998, Wind Rivers applied for a special use permit on A/R/RD to do log home construction - exactly what George is doing - it was approved by the planning and zoning department and consented to and approved by the BOCC - Mark now is saying that that was probably a mistake - here somebody two years ago is doing and applying for something that was exactly what George is doing, gets it granted and is still in operation but is interpreted as the planning and building department as a mistake, should never have been granted, and now George, who has been in operation, his grandfather built log homes in Aspen and then they moved their operations to Basalt, his father did it Carbondale, and now George is slowly having to move to Rifle to do it because of various economic factors and zoning codes - it's a fine line of what is processing and what is fabricating, an argument can be made that what George is doing is actually processing not fabricating, although he's

assembling the log home on site, it's still not the final product as built on site, it's just part of the processing to build the final product off site - there is an argument that in A/R/RD extracting and processing includes constructing a log home on site, but it not finally built there, it's finally built off site - that's part of the processing part where it is assembled, notched and numbered.

Mark Bean - this came about in a discussion regarding fabrication and whether or not the fabrication or processing applied to the pre-stress forms that are going to be built for some of the bridges up in the Aspen Highway 82 project - when we sat down to discuss this issue and look at fabrication versus processing, we concluded, that the fabrication would apply to the pre-stress - in the process carrying the discussion further, it came out that we were discussing the issue of the pre-construction of the log homes themselves on a site versus the actual processing of the logs themselves - our interpretation has been the actual construction of the units and getting them notched, etc., got into the fabrication as opposed to processing - the permit that Mr. Strong acquired does very clearly say he can store and cut the logs prior to them being built or used as a part of construction of a log home, but it doesn't provide for even the construction of them - arguably he would need to modify his special use permit - we've advised Mr. Strong and Mr. Lee that it would be appropriate for the fabrication definition probably should be included in the A/R/RD zoning - we suggested making an amendment to the zoning to go along those lines - that would be one alternative - the other alternative... the actual interpretation of the intent of the regulations goes to Section 904 Administrative Appeal and Interpretation - which goes to the Board of Adjustment - normally that would be their responsibility to administer an interpretation of the regulations themselves - agreed with Mr. Lee that there was an error with Wind Rivers' permit.

Calvin - we were going to submit an amendment to the special use permit which Mark said was the route - several days later Mark said a request for zone text amendment would have to be done too - certainly George is willing to do amendment to special use permit because that's relatively straight forward kind of thing.

George - special use permit is through K & K Lumber - which is a sawmill which was in before special use permits were necessary - seemed to be a link between the two of them - grandfathered in on sawmill permit - should be no reason that something couldn't be worked off of grandfather status - lucky to build one or two shells a year - most of the work is off-site.

Walt - asked George if he anticipates building log trusses, or stair rails - the shell itself is no problem, saying that that's not manufacturing - start building a truss which will be incorporated and shipped, that becomes more manufacturing.

George - all part of a log house - some have trusses - have to say yes.

Don - in terms of timing, is there any reason a text amendment and a special use permit amendment can't be handled coincidentally with each other.

Mark - we've dealt with similar situations before where the decision has to be made on the text amendment before any decision would be made on a special use permit - open one hearing - close the hearing - make a decision - then open the hearing on the other - and make a decision on that.

Larry - don't they both have to go through the planning commission.

Mark - the special use permit is discretionary - the zone text amendment does require going to the planning commission - comment to Calvin, in terms of a zone text amendment, what we suggested they add a use that may be allowed by special use - all special uses are intended to deal with uses that may be appropriate in certain areas subject to review and approval and subject to meeting certain standards.

Don - the text already provides that special use for extraction and storage of natural resources - the only one it omits is fabrication - doesn't seem a major thing to add that to the text.

Larry - didn't think the first permit was a mistake or illegal - given Mr. Strong's sawmill permit, nowhere in there does it restrict him in how he stacks his lumber after it's sawed - may be a technicality and it may be an interpretation - did not consider what he is putting together on his property as a livable home - this is a part of the process - current special use permit allows 2,000 truckloads of logs - given the impact that could have on the neighborhood, willing to work with him on changing his special use permit to allow this use - downsize the particular application - would only support this if it was in direct conjunction with the sawmill - a sawmill has to be there - would not support the hauling of logs into this area from another location or another sawmill and do the pre-constructing, fitting, processing - these logs need to be brought in in the raw form, sawed on site, fit together and then hauled away - would support something like that.

Walt - asked George if he had the ability even without the permit to make rough cut lumber

George - good size permit - 2,000 loads of logs per year - good stack - four to five rows 33 feet wide by 500 feet long - mountain of logs.

Walt - how many loads a year do you need - would you be willing to downsize.
 George - we're willing to negotiate downsizing - last year 45 loads were brought in - the year before was about 80 loads.
 Calvin - we still need to come in with a request for a special use permit.
 Larry - the easiest fix - would like to work it out - your business is important to you.
 Mark - the interpretation needs to go to the Board of Adjustment.
 Don - as it stands now we have to recommend denial.
 Mark - we have a similar situation occurring with a neighbor - advised him the same thing.
 Larry - was it in conjunction with the sawmill?
 Mark - he is proposing a sawmill on an adjoining piece of property - wants to do log home building on the adjoining piece of property - advised him the same thing - he pursued it with an application.
 Larry - given the similar circumstances, would support it too - as long as it's in conjunction with a sawmill.
 George - Steve Wilson doesn't have any permits on that ground right now.
 Mark - no - but he's requested it as a special use - gone forward with application - relying heavily on the fact that the existing operation is there.
 George - he doesn't hold the existing permit - we do.
 Mark - he's got the right to apply, the same as you do.
 Chairman Martin - the recommendation from Mr. McCown is to go ahead and apply for a special use permit change - Mr. DeFord and Mr. Bean have said the safest trip is to go ahead and go through legislative changes so there won't be any question on interpretation - it's a risk either way - you have to go through P&Z and Board of Adjustments - it isn't a short process - it's a long process.

BUILDING & PLANNING ISSUES - PUBLIC HEARINGS

REQUEST FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED: LOT 55, GRASS MESA RANCH, RIFLE, CO 81650. APPLICANT: BONNIE L. STOKVIS, GARY I. KELLY, AND WILLIAM AND JANET HUTTON

Don DeFord, Kit Lyon, William E. and Janet Hutton were present.
 This is a request for review of a Special Use Permit to allow for an Accessory Dwelling Unit in the A.R.RD Zone District.
 Don DeFord reviewed the submittals regarding notification and advised the Commissioners the applicants were entitled to proceed - Chairman Martin swore in the speakers who wished to give testimony.
 Kit Lyon - presented Exhibits: Exhibit - A. Proof of Publication; Exhibit - B. Green and white certified mail receipts; Exhibit - C. Garfield County Zoning Resolution; Exhibit - D. Garfield County Comprehensive Plan of 1984; Exhibit - E. Staff report with attachments;
 Exhibit - F. Application materials; and Exhibit - G. Letter dated Sept. 2 from Homeowners' Association.
 Chairman Martin - entered Exhibits A-G.
 Kit - gave staff report - Applicants Bonnie Stokvis and William Hutton are brother and sister. They propose to jointly occupy and make use of their fifty (50) acre property. The Stokvis/Kelly residence will be the primary residence with 1,920 square feet of living space. The accessory dwelling unit (a.d.u.) will be occupied by the Huttons. The proposed a.d.u. is 1,440 square feet. A driveway has already been constructed with a sign designating the address.
 Staff recommends **APPROVAL** of this application with the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval;

Prior to issuance of any special use permit, the applicant shall submit evidence of an adequate (in terms of quality and quantity) physical water supply to serve both units. The water supply evidence shall include:

- a) That a four (4) hour pump test be performed on the well to be used;
- b) A well completion report demonstrating the depth of the well, the characteristics of the well, the characteristics of the aquifer and the static water level;
- c) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
- d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;

- e) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- f) If the well is to be shared, a recorded legal well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made.
- g) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids.

That applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements;

The all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage;

That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet. The accessory dwelling unit shall be built in the approximate location shown in the application.

That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased;

That it is the applicant's responsibility to comply with any applicable covenants or Homeowners' Association (HOA) rules. The applicant shall supply the staff with evidence of compliance with the HOA (such as a letter of approval or copy of covenants showing an a.d.u. is allowed) prior to issuance of the special use permit.

Kit - would like to amend recommendations;

8. Condition #2(f) - a well sharing agreement would not be necessary since there are no divided interests involved. #7 - would like to strike the second sentence because Exhibit G is a letter from the HOA granting permission to have the a.d.u.

Walt moved to close Public Hearing; Larry seconded; motion carried.

Larry moved the BOCC approve the request for a special use permit to allow for an accessory dwelling unit with staff recommendations and corrections as noted, also on applicant's behalf we will research the pump test prior to issuing a permit; Walt seconded; carried.

PRESENTATION: PROPOSED ZONE DISTRICT TEXT AMENDMENTS AND SUBDIVISION REGULATION AMENDMENTS DEFINING "VALID DEVELOPMENT APPLICATION."

Jim Leuthueser - public hearing for giving notice of amendments to Garfield Subdivision and Zoning Resolutions - requirement is that it be published in a newspaper of general circulation - has been done - notice is adequate.

Mark Bean - presented two Exhibits: A - Proof of Publication and B - Project Information and Staff Comments with attachment which includes the proposed referendum which initiated discussion.

Chairman Martin - swore in all speakers who wish to give testimony.

Mark Bean - the following is the description of the proposal:

BOCC asked staff to present proposed zone district text amendments and subdivision regulation amendments to the Planning Commission that would define a "valid development application." "Valid Development Application" is a term that is used in the Responsible Growth Initiative being proposed for the November general election. If a "Valid Development Application" is submitted to the County before the ballot is certified by the Colorado Secretary of State, it is deemed to be in a "Committed Area" and exempt from the restrictions imposed by the initiative. Since the County does not define a "valid development application" in any of our regulations, the Board has determined that it would be appropriate to make amendments to the zoning resolution and subdivision regulations to define the term.

Mark - the Planning Commission recommended **APPROVAL** of the proposed zone district text amendments and subdivision regulation amendments as stated in Project Information & Staff Comments report.

Public Input

Tom Smith, representing Spring Valley Development, obtained PUD rezoning amendment approval from the Board - asked for clarification in Section 1.07: "*applications or phases made under the Garfield County Subdivision Regulations for an approved or submitted PUD*" needs to also refer to the zoning resolution - in same section: "*The subdivision process as set forth . . . is also an integral part of the PUD process.*"

Moreover, sketch plan, preliminary plan and final plat. . . " also refer to that process which actually takes place under the zoning resolution which is PUD rezoning, for clarification.

Jim Lockhead - attorney - in reference to Section 1.07, first sentence: "*a 'valid development application' is any initial application made or submitted pursuant to this resolution*" (i.e. the zoning resolution) - a PUD application, a conditional use permit application, a special use permit application, are all applications that can be submitted under the County Zoning Resolution and are all considered to be "valid development applications" pursuant to this definition - asked for small change in 1.07 (Zoning Resolution) (page 2 of staff report): "*A 'valid development application' shall be deemed to be timely and complete as of the date on which it is submitted to the Garfield County Building and Planning Department...*" after "shall be deemed to" add the following: "**substantively meet all of the rules for submission and**" - that same change would be made in the new section 1:23 (Subdivision Regulations) in the corresponding sentence (last sentence on page 4 of staff report) at the end of that section.

Chairman Martin - recommendation from staff to agree with that.

John Schenk - attorney - participated in process of discussing with staff - we looked at the process that happens between staff and the developer - it is a process that has created some tension in the past - this creates a timeframe in order to have information - under the old process one was simply incomplete - out of the process - this gives a chance to have interaction back and forth to deal with issues - to address things that are not necessarily specifically required, but are felt by the staff to be necessary for a technically complete application - the application that is submitted is in play, the staff can make whatever choices, kick it back, doesn't mean the developer has gone back to square one- now has a chance to go forward and answer those questions - if there's a discussion in the zoning process or a disagreement, it can be taken to the Board of Adjustment - if it's a process problem in the subdivision it can be brought to the Commissioners - nothing in this proposed change of regulations does anything to compromise the existing system.

Walt motioned to close the public hearing; Larry seconded; carried.

Larry motioned that the Board approve the Zone District Text Amendments to Section 1.07 and 4.08.01 of the Garfield County Zoning Resolution and Subdivision Text Amendments to Section 1:23, 3:22, 4:10, 4:12, and 8:22 with corrections that have been noted today and include that Chair be authorized to sign a Resolution adopting this; Walt seconded; carried.

**REQUEST FOR APPROVAL: SPECIAL USE PERMIT, CATTLE CREEK
TELECOMMUNICATION TOWER. LOCATED: APPROXIMATELY THREE MILES WEST OF
CARBONDALE NEAR THE CRYSTAL RIVER RANCH DEVELOPMENT. APPLICANT:
LANCE EVANS**

Don DeFord reviewed the noticing required, determined the documents were in order and advised the Commissioners the applicant was entitled to continue.

Greg (planning dept.) - presented Exhibits: A. Proof of legal notification; B. Return receipts; C. Application and attachments; D. Zoning Resolution of 1978 as amended; E. - Project information and staff comments.

Chairman Martin - admitted Exhibits A-E - swore in people wishing to give testimony.

Greg - SBA Communications, Inc. presented this item to the Garfield County Planning Commission on August 9, 2000 - was unanimously accepted by Commission with listed conditions.

Greg - staff report - SBA Communications, Inc. is requesting permission to construct two 45-foot monopoles near Cattle Creek on the Crystal River Ranch. It is the intent of the applicant to co-locate as many as five separate carriers on this facility. This site was chosen because it offers a commanding and reasonably obstruction-less view of the Hwy. 82 corridor while being able to blend into the background.

Recommendation:

Staff recommends that the Board of County Commissioners **APPROVE** this proposal based on the recommendations of the Planning Commission, the findings listed in the Project Information and Staff Comments report, and conditions listed below:

1. The applicant will allow future co-locations.
2. This facility will be painted to blend in with the background, approved by the planning department.
3. If the tower becomes dormant for more than six months either the tower owner or the landowner is required to remove the tower at their expense.

Lance Evans - agreed with the conditions recommended by staff - proposed two towers to keep the heights minimum - pushed back off ridge to make them virtually invisible to the neighborhood below.

Larry - will a new road have to be built into this location?

Lance - no - working with Crystal River Ranch.

Walt moved to close the public hearing; Larry seconded; carried.

Walt moved the Board approve the special use permit for the Cattle Creek Telecommunication Towers as noted and with conditions recommended by staff; Larry seconded; carried.

REQUEST FOR ZONE DISTRICT CHANGE FROM PLANNED UNIT DEVELOPMENT (PUD) TO PUBLIC AIRPORT (P/A). LOCATED: TRACT OF LAND SOUTHEAST OF RIFLE OFF OF CR 365, ALSO KNOWN AS THE GARFIELD COUNTY REGIONAL AIRPORT. APPLICANT: BOARD OF COUNTY COMMISSIONERS.

Don DeFord questioned Mark Bean in reference to noticing - Don determined the documents pertaining to noticing were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin - swore in all people desiring to give testimony.

Mark - presented Exhibits: A. Proof of publication; B. Project information and staff comments; and C. Garfield County Zoning Resolution of 1978 as amended.

Chairman Martin - Exhibits A-C admitted.

Mark - proposal is to rezone the Garfield County Regional Airport from Planned Unit Development (PUD) to Public Airport (P/A). The zoning text for the P/A zone district was recently adopted. The rezoning will complete the process of revising how land uses are defined and controlled on the airport property.

Recommendation:

The Planning Commission recommended **APPROVAL** of the application for a zone district amendment.

Staff would recommend approval.

Chairman Martin - no comments from the public - close public hearing.

Larry - so moved; Walt seconded; carried.

Larry moved the BOCC approve the zone district change from PUD to a public airport; Walt seconded; carried.

PUBLIC MEETINGS:

REQUEST FOR SUPPORT OF A GOCO GRANT APPLICATION: LOVA TRAIL GROUP PRESENTATION

Dendy Hisel, Brian Brown (Silt Trustee)

Dendy - **L**ower Colorado River **V**alley Trails (LOVA) - focus of group is to facilitate the building of a Colorado River trail system from Glenwood Springs to the county line between Parachute and DeBeque with spurs to areas of interest such as the Silt River Park, etc. Trail should accommodate pedestrians, equestrians, bicyclists and other non-motorized users. Would require two parallel trails, one hard and one soft-surfaced - LOVA is applying for a GOCO Planning Grant to develop our section of trails, due 9/15/00 - objective of grant is to develop a Master Plan for the trail system identifying users, easement requirements, intermediate and final alignment, cost analysis, and spurs to areas of interest - asking for a letter (within the next ten days) of support from the BOCC - would also like a pledge of \$4,000 cash and \$10,000 of in-kind services from the County.

Brian Brown - broad range of participants - effort has a lot of support throughout western Garfield County - need Master Plan in place to take advantage of easements.

Larry - will there be a grant-matching process going on for the next 20 years.

Carol Brown - added her support - involved with American Soda - they have pledged in-kind donations - will help out with men/materials - had informal discussion with Director of Division Natural Resources, Greg Walcher, excited about it and very supportive.

Jeannie Golay (Board Member, Bicycle Colorado-statewide advocacy group) - added her support - area needs more trails - recreationists in area have been wanting this for a long time.

Kit Lyon - Senior Planner Garfield County - Board Member for Healthy Mountain Communities - got involved with LOVA representing the County's interests - now has personal interest - dedicated group - meetings regular - participation good.

Todd Tibbetts - citizen of Garfield County as well as employee of Park & Rec. Dept. for Town of Silt - involved with LOVA since inception - talked to members of other municipal governments, they like this idea.

Walt - would be in favor of supporting this at least through GIS staff time and the plotting supplies - municipalities need to contribute too.

Chairman Martin - would like to pledge Kit to continue with Healthy Mountain Communities - the \$4,000 in the 2001 budget is achievable - we may be asked for more money in the future - we are establishing that we are interested in our citizens and connecting the communities as our master plan has said we would do.

Walt - made a motion for a letter of support and in-kind services including the \$4,500 for GIS staff time, \$500 plotting supplies, \$3,000 staff time, and \$1,000 for planning expenses for a total of \$9,000 of in-kind support; Larry seconded; carried.

Chairman Martin - made a motion to support the request of \$4,000 for the 2001 budget for this project; Walt seconded.

Walt - with the previous motion which was just passed, we showed our support of the trails through Garfield for 40% of the cost that would be between the municipalities and the County.

Larry - were any other entities going to contribute?

Chairman Martin - believed Glenwood Springs was going to be approached as well - consider amending motion in support of the \$4,000 in the budget contingent on the grant being issued by GOCO.

Vote on motion:

Those in favor - John - aye.

Those opposed - Walt and Larry - nay.

REQUEST FOR APPROVAL: WHITECLOUD RIDGE SUBDIVISION FINAL PLAT. LOCATED: NE OF CARBONDALE, OFF CR 102. APPLICANT: MR. & MRS. THOMAS LOVITT

Larry Green, attorney from Glenwood Springs, here with Mr. Lovitt - on 8/18/97 BOCC approved Final Plat and Subdivision Improvements Agreement for Whitecloud Ridge Subdivision - unfortunate personal circumstances prevented Mr. Lovitt from recording Final Plat within 90 days of its approval - here today to ask that Mr. Lovitt be allowed to now record the previously approved Final Plat.

Don DeFord - in addition to authorizing the recording of the Final Plat, authorize the Chair to sign an Amended Subdivision Improvements Agreement that would amend the date of completion of improvements (currently says October 1998) to October 2001, also to accept an amended Exhibit B which is the engineer's estimate of cost.

Larry G. - Whitecloud Ridge Domestic Water System Operating Agreement needs to be recorded - had original executed document with him - deed of easement - water storage tank was off the subdivision proper - needed to give a deed of easement to the site for the tank and the waterline that lead to the subdivision - had original deed in his possession - has a check for school impact fees dated 1997 will need to replace it.

Don - Mildred would like a new check also.

Larry M. - made a motion the BOCC authorize the filing of the Final Plat for Whitecloud Ridge Subdivision with those provisions noted by the County Attorney; Walt seconded; motion carried (Walt abstained).

EXECUTIVE SESSION

Walt moved the BOCC go into Executive Session to discuss County Road 116/117; Larry seconded; motion carried.

Tom Russell and Janice Loecks present.

Walt moved the BOCC come out of Executive Session; Larry seconded; carried.

OTHER ITEMS

Title - Auction

Larry motioned the Chair be authorized to sign the title for 1973 Dump Truck for auction; Walt seconded; motion carried.

COMMISSIONER REPORT

Chairman Martin - Friday, December 8, Holiday lunch - 11:30 a.m.-2:00 p.m.

Mildred - meeting with City on October 12, City Hall, 7:00 - agenda items - Intersection of County Road 116/117.

Chairman Martin - let's continue our meeting until 9:00 Friday on telephone conference.

Attest:

Chairman of the Board

SEPTEMBER 8, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Friday, September, 2000 with Chairman John Martin present. Commissioners Larry McCown and Walt Stowe were not present in person, but phoned in via a conference call. Clerk & Recorder Mildred Alsdorf was also present.

CALL TO ORDER

Chairman Martin called the continued meeting back to order at 9:00 A.M.

CONTINUED MEETING

Chairman Martin - may I have a motion to accept the minutes as presented by the Clerk & Recorder for June 20, 2000, July 24, 2000 and July 10, 2000.

Walt - so moved; Larry seconded; motion carried.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

A. Attest:

Chairman of the Board

SEPTEMBER 11, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 11, 2000 with Chairman Pro-Tem and Commissioners Larry McCown and Walt Stowe present. Also present were Assistant County Administrator Jesse Smith and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Stan Stevens presented the Board with a handout "Garfield County Bus Routes Using RFTA/SKICO Contract Rates" that indicated the hours per round trip; dollars per round trip; number found trips per day; dollars per day; number of days per year and the hours cost per year. statistics regarding RTA. He complimented the Commissioners for their vote on the RTA plan to provide bus service from Rifle to Aspen. He said he did some numbers for an understanding of the RTA proposal.

The numbers were presented to the Board for their review. He agreed with Commissioner McCown's comment that there would not be enough riders to support the bus for longer than a year.

He added that very few people had an understanding as to what was involved in the RTA Plan.

Land Use

Michael Short asked for a clarification on a piece of property on an island between New Castle and Rifle. His plans were to do some recreational activities. His property is currently listed as agricultural land and he was given a "list by rights - for agricultural use."

He plans to use the land for fishing, parties, occasional camping as specific activities.

Mark Bean - stated this would be categorized as a "resort" and would require a Special Use Permit. The Commissioners gave the interpretation of Use by Right versus a Resort requiring a Special Use Permit.

ADMINISTRATOR'S UPDATE

Jesse Smith gave the report.

a. *Discussion: Countywide Cell Phone Unification Package*

Tim Arnett said that Jesse had called to his attention that the County Employees were using various vendors and there was over 100 accounts for cell phones.

Tim suggested one agreement with options to select. A government rate can be obtained and when using the cell phone in Denver there would not be a long distance charge.

Tim estimated that within a couple months he will have a proposal to present to the Board.

b. *Procedure Manual - Cell Phones and Internet*

Tim submitted a plan that will save the County a lot of money. All employees will be informed that they will be using one account..

Don DeFord stated he had briefly review the policy and suggested there were a number of ways to set this up.

Commissioner McCown complimented Tim on the plan.

c. *Purchasing Manual*

Tim Arnett explained the manual and policy. He added that he had spoken to the elected officials. Mildred Alsdorf stated she had not read through the complete policy on purchasing.

Jesse mentioned that there are exceptions.

Commissioner McCown recommended that Don DeFord review this and bring it back next week.

Don asked to have Tim notify all other elected officials for input.

Commissioner McCown suggested that Tim submit to each elected officials for their review and comments.

Don mentioned he would secure the existing policy and repeal it. This new policy would take precedent.

d. *Emergency Lighting*

Richard Alary stated the emergency lighting battery died. There is a need for a new system. Generators can be rented for a year for \$23-24,000 per year. He stated for emergency lighting there would be 100 lights and these could be a back up for later on.

Discussion

Commissioner McCown suggested moving forward with the \$9500.

Commissioner Stowe agreed and inquired as to the long-term use.

Richard explained that once the jail is completed, the emergency generator should be adequate to replace this system.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to direct staff to move forward on the emergency lighting as proposed not to exceed \$ 10,000; carried.

Commissioner Stowe directed Jesse to discuss this emergency lighting with the County Engineer in connection with the jail generator.

d. *Media Policy*

Dale Hancock submitted a draft media handbook for review. He requested questions and/or comments to be brought to the staff meeting this Thursday in Rifle.

This is one of the 24 goals for 2000. The plan is the last piece in the project.

Comments have been received and Dale commented that he was open to negotiations.

Dale said this is a combination of policies existing in Boulder, Jefferson, and other counties.

Chairman Martin suggested the Commissioners and other elected officials review this and make comments to Dale before final approval.

e. *Contract - Emergency Communications - \$18,000*

Guy submitted the annual agreement for Emergency Communications.

Commissioner McCown made a motion to authorize the Chair to sign the Emergency Management Reimbursement Application. Commissioner Stowe seconded. Motion carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

Rose Ranch - Amended SIA and Agreement

Attorney representing the developers of Rose Ranch Ron Jacobs, Attorney Tim Thulson, and Don have discussed the method of providing continuing security to the County until the sale is complete. Don stated that an agreement had been reached with Ron Jacobs, Georgia Chamberlain and himself that would amend the Rose Ranch Amended SIA.

Today they would like to discuss and complete the final recording on the Final Plat.

The change in the SIA involves making one change and a disbursement agreement to allow the County accepting \$8,000,000 in cash. This allows the applicant to deposit cash for less than 7 days and then submit a letter of credit. In order to do this, the cash will be held by the Treasurer in a interest bearing account. The County can retain the interest in lieu of the fee normally charged by the Treasurer.

The Treasurer would hold approximately \$80000.00. The interest would generate between \$8 and \$9,000 to the County.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the 2nd Amendment to the Subdivision Improvement Agreement with Roaring Fork Investments, LLC. and the Disbursement Agreement once it has been reviewed and approved by the County Attorney and that the Chair be to sign said agreement; carried.

Construction Agreement: Haselden Construction, Inc.

Don submitted the agreement proposed and the Control Agreement with US Bank dated August 22, 2000 and explained the provisions for this contract. Legislature has amended the provisions for contracts. They now allow negotiable securities and for the County to reject those not appropriate. This is what Haselden wants to do. Don has reviewed the document and finds it to be appropriate to proceed. Haselden will provide the security in stages.

Jesse mentioned there is a loss opportunity of \$16,000 over the two year contract period.

Don explained that this retainage is really not the County's money. It is money that the Contractor has actually earned but that the County retained to protect ourselves; and so it is true as Jesse has said, over the years we have made interest and kept the interest on those funds by actually making interest on money that someone else has earned under that arrangement.

A motion was made by Commissioner Stowe seconded by Commissioner McCown for the Chair to sign the Control Agreement with Haselden Construction and for the retainage disbursements to be secured as per the Agreement; carried.

EXECUTIVE SESSION - *Oil and Gas Litigation; Property Acquisition - Henry Building*

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT

Chairman Martin announced that the Balloon Festival at the Airport on Saturday, September 9th was successful.

The Fund-raiser for Cubby Trevena organized and orchestrated by Liz Nelson and Barbara Gaber was held at the Fairgrounds on Saturday, September 9th. It was also very successful and a lot of fun. The Trevena family were very pleased at the turnout and the manner in which the County had supported the event. Barbara Gaber had said that she had \$2700 thus far from the event and pledges for funds will make this go higher.

Barbara thanked the press for coverage on the Fund-raiser for Cubby.

Commissioner Stowe announced that on Thursday and Friday - September 21 and 22 - the Rural Resort - Summit Meeting will be held.

EPA - this Thursday 9/14/00.

Commissioner McCown said the Communication Authority Board will meet next Thursday 9/21/00.

Meeting with City of Glenwood Springs - Tuesday, September 12.

The Board also discussed the meetings to be held in November due to the holiday; November 13 and 20 will be the set times for the Board to meet. If justified there could be a meeting scheduled for November 27th.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Letter of Support: LOVA Trails GOCO
- c. Sign Resolution of Approval: Preliminary Plan for Eagle's Nest Tract at Aspen Glen Subdivision

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

LIQUOR LICENSE: DILLON COMPANIES, INC. - TRANSFER OF OWNERSHIP: FORMERLY CITY MARKET

Mildred Alsdorf and Zane Franklin from City Market were present.

Mildred mentioned that Dillon Companies, Inc. is taking over City Markets. The liquor licenses will need to be transferred. Therefore, she requested approval of a 120 day temporary permit in order to get the application processed.

Zane Franklin stated that the City Markets will remain the same; this is a merger.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the 120 day temporary liquor permit for the Battlement Mesa City Market giving time to process their application for a 3.2% liquor license; carried.

GARFIELD COUNTY EMERGENCY COMMUNICATION AUTHORITY (GECA) 2001 BUDGET PRESENTATION

Bob Kibler submitted the proposed budget for the Communication Center. He explained the various needs and projects for 2001.

Discussion

Jesse Smith mentioned the way the sales tax ballot question was phrased and passed is restrictive to that original Resolution in response to Bob's questions. It has spending limits; the sales tax is 8.5% and there is a 5.5% cap on it.

He also recommended reviewing the original Resolution when the sales tax ballot question was formulated. A question was raised as to whether or not the Communication employees could be covered under the County's Insurance Plan.

The IGA that formed this Communication Authority does not have access to the funds from the Capital Funds.

The County collect the funds and if those funds exceed 5.5% the County gets the overflow.

These Resolutions need to be reviewed in order to make a decision.

Commissioner Stowe suggested to obtain a valid interpretation of the ballot question from the original Resolution and have Bob come back to the Commissioners on Monday, September 18th for further discussion.

FIRE BAN DISCUSSION

Guy Meyer obtained the fire ratings from the Internet and recommended to remove the fire ban for this time of the year; saying the current ban would expire Sunday, September 17, 2000.

He added that Pete Blum has considered lifting the ban as well.

Based on Guy's recommendation, the Board decided to let the Fire Ban expire.

PUBLIC COMMENTS NOT ON THE AGENDA

Steve Smith - Cardiff- RTA Proposal - Steve encouraged the Board to look at this again and commented that this should go on the Ballot for the people to decide.

Chairman Martin defended his position on voting against having this placed on the ballot. He stated that only Precinct 1 - 12 get to vote and this only includes Carbondale and Glenwood.

Commissioner McCown explained that had this question gone on the ballot, Garfield County would be divided and Parachute, Rifle, Silt and New Castle would not be within the boundary and the IGA.

Therefore his concern was if the issue was passed, from then on the issue of a tax increase would be confined to a future district vote, meaning that only Glenwood and Carbondale could vote on whether or not a property tax within Garfield County should be raised.

This was a matter that would be subject to a litigation issue if it was contested.

Commissioner McCown stressed that the future district vote was not addressed in the ballot question. This has been in the making for three years.

Neither Commissioner Martin or Commissioner McCown wanted to take that chance and therefore voted against the proposed ballot question allowing it to not be placed on the ballot November 7, 2000. Commissioner McCown said if you look at ballot question, this future district vote was not addressed. The three years of concern over RFRHA has created concern and now the people are voting on what they think they are getting.

Chairman Martin said that if funding is there, bus service will be from Glenwood Springs to Rifle. There is no actual commitment. He added that his comfort level was not there and he voted against the measure however he was for working things out and didn't think it was a good idea to panic this year. Other transportation systems might be less expensive and should be investigated as to the possibilities as well.

Commissioner McCown stated that Silt, Rifle and Parachute opted not to join in the RTA proposal. This is the area he represents.

REGULAR AGENDA - BUILDING & PLANNING ISSUES - PUBLIC HEARINGS

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING: LOCATED 5175 GRASS MESA ROAD, RIFLE, CO. APPLICANT: BRET CLOSS

Don DeFord, Kit Lyon and Mr. and Mrs. Bret Closs were present.

Don DeFord reviewed the noticing requirements of adjacent property owners and the submittals from the applicant. He determined the documents to be satisfactory and advised the Commissioners they were entitled to continue.

Chairman Martin swore in the Speakers who wanted to testify.

Kit submitted the following Exhibits:

Exhibit A - Green and White Certified Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution; Exhibit D - Staff report with attachments; Exhibit E - Application and various materials; and Exhibit F - Garfield County Comprehensive Plan.

Chairman Martin admitted Exhibits A - F into the record.

Kit explained that this is a request for review of a Special Use Permit to allow for an Accessory Dwelling Unit in the A/R/RD zone district located south of the City of Rifle on approximately 40 acres.

The applicant currently lives in a 560 square foot cabin located on he property. The request is to make the existing cabin an accessory dwelling unit and build a 3,000 square foot primary residence.

Kit explained that there is a need for a water testing for nitrates before the SUP can be issued.

Recommendation:

Staff recommends APPROVAL, with the following conditions:

- That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

- That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.

- That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage.

- That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet.

- That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased.

- That it is the applicant's responsibility to comply with any applicable covenants or Homeowners' Association rules.

- That, prior to issuance of the Special Use Permit, the water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit to allow for an Accessory Dwelling Unit for Bret Closs at 5175 Grass Mesa Road also known as Lot 58 with the recommendations of staff 1 - 7; motion carried.

**REQUEST FOR APPROVAL: WINTER EAGLE RANCH SUBDIVISION PRELIMINARY PLAN.
LOCATED: SOUTHEAST CORNER OF CARBONDALE OFF OF CR 100. APPLICANT:
PERONELE PHILLIP**

Mark Bean, Don DeFord, Ron Liston and Peronelle Philip were present.

Peronelle Phillip answered the noticing questions, stating that the sign was posted August 22, 2000.

Don DeFord review the noticing requirements submitted by the applicant. After review and satisfying questions as to noticing, Don advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Report; Exhibit E - letter from Sigred Murray; Exhibit F - letter from Lisa Carmichael; Exhibit G - Two Letters from the Division of Water Resources dated June 28 and August 3; Exhibit H - Letter from Colorado Geological Survey; Exhibit I - Order from the State Engineer related to Well Permit No. 53609-F; and Exhibit J - Letter from the Division of Water Resources dated September 8, 2000.

Chairman Martin admitted Exhibits A - J into the record.

Mark stated that this is a request for review of a Preliminary Plan for the Winter Eagle Subdivision located northeast of Carbondale approximately ½ mile off of a private road, off of CR 100 on 23.38 acres. The site is in the Low Density Residential land use district of the 1995 Comprehensive Plan, Study Area I, Proposed Land Use Districts Map.

The applicant proposes to divide the acreage into two parcels of 10.00 and 13.346 acres each.

Mark summarized the project report and staff comments noting that the proposed log cabin on Lot 1 has been used as farm/ranch employee housing since the larger dwelling was built in the new barn facility. The structure is an older dwelling that was probably built before there were any building codes. It is staff's opinion that the structure does not meet the County Building Code requirements and will not meet the accessory dwelling requirements. As such, any accessory dwelling on the property must be brought up to the County Building code requirements to meet the previously noted standards for an ADU. He added that this is a discretionary decision for the Board to make.

Recommended Findings:

The Planning and Zoning Commission recommended APPROVAL of the Winter Eagle Preliminary Plan application to the Board of County Commissioners, with the following conditions:

That all representations made by the applicant in the application, and at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Planning Commission.

The ISDS for all lots must be engineered and designed by a Colorado registered professional engineer. The application be amended to eliminate the request for an accessory dwelling unit.

In addition to the plat notes currently shown on the preliminary plan, the recommended plat notes contained in the staff report shall be shown on the final plat. These include: a) Pursuant to section 9:18 of the 1984 Garfield County Subdivision Regulations, no further divisions of land within the Subdivision will be allowed. b)

Individual sewage disposal systems (ISDS) shall be engineered by a civil engineer licensed in the State of Colorado.

c) - h) "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"The driveway easement maintenance responsibilities must be shared equally amongst the three exemption lots."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a

strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

5. Covenants shall be developed, along with incorporation documents that state at a minimum:

a) An ISDS management plan for all lots that requires specific maintenance of the systems. Further that all ISDS be sand filter mound type systems, designed by a professional engineer.

b) A road maintenance agreement for internal road and provisions for all property to participate on an equitable basis in the maintenance and repair of Blue Heron Lane. c) A restriction of one dog per lot and provisions for homeowners to have a disruptive dog removed from the property.

d) A requirement that subsoil investigation be performed for all new dwellings by a registered professional engineer.

6. The applicants obtain a finding of no material injury from the Division of Water Resources prior to the Board of County Commissioners approval.

The applicant pay the appropriate fees to the Re-1 School District and Carbondale Rural Fire Protection District.

Applicant Representative - Ron Liston - Design Partnership

Legal Council Cindy Tester and Applicant Peronelle Phillip were present with him.

Ron Liston commented that Mark did an excellent review of the project and responded to a couple of questions related to 1) the irrigation ditch that was brought up by Lisa Carmichael saying what he could determine from the engineer's she is correct and there is a ditch that still deserves an easement and that should be a condition and that it appear on the final plat; 2) minor points in the recommendations by staff, page 7 of the plat notes, No. 7 - Ron requested that this read "site as has been referred to elsewhere in the report that the site specific soil studies must be performed on individual building envelopes. Also a minor point of interpretation on page 9, No. 5, paragraph d) clarify that the requirement for all properties as it relates to the properties within the subdivision. He said they have made it possible for all the property owners in Blue Heron Lane to participate; some have chosen to sign the agreement, but they cannot force them to do such. But all properties will be included in that road maintenance.

Public Input

Lisa Carmichael owner of the property adjacent to the applicant. She stated besides the ditch, she was concerned about the road maintenance agreement. She has not signed it because they have not gotten together as a group. She is confused that there are five owners on that private road - she listed ten. She is the person that does all the billing and tries to collect funds for the maintenance for that road. Several people do not pay anything for maintenance and has been a continual problem. The roads are in real bad condition and the section of road that goes to her property that Perry drives through is only a 25' easement and is a big concern to her. She stated that only two of the ten owners have signed the maintenance agreement to date.

Chairman Martin asked that she provide a copy of the list of ten property owners that she referenced to staff.

Ron Liston said that every one of the ten property owners have been given the opportunity to participate in the agreement.

Perry Phillip responded that she has been a part of the road owner's association for as long as it's been in existence and it was a casual handshake agreement and to her knowledge, there is only one person on that road currently that does not pay and he has a fairly small share. He has said he will pay in the future, but there is no way to force him to pay fees because there is no legal agreement so they cannot do liens against

his property. The fees are calculated on a per foot increments from the County Road so the Carmichaels, Mayfield, the fellow at the end of the lane and herself paid the most amount of money. There was one property owner that did owe a lot of money, close to \$2,000 and refused to pay. He has sold his property to Drew Sakson - Drew is willing to pay. Once the subdivision is resolved, she believes that most property owners will come on board - they do not want to be legally bound at this point. Without a legal agreement she thinks they will come on board with the road maintenance.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

Motion and Commissioner Comments:

Commissioner Stowe made a motion to approve the request for the Subdivision Preliminary Plan southeast corner Carbondale Peronelle Phillip with recommendation from staff exclusive of Item No. 3 and the Planning Commission's recommendation. Commissioner McCown seconded.

Chairman Martin mentioned there was a request for a road maintenance agreement as part of the motion saying it was a requirement.

Ron Liston asked for clarification that the agreement required all ten property owners to sign.

Commissioner Stowe said as long as there is a road maintenance agreement.

Mark Bean - mentioned that all property owners within the subdivision would be subject to and obligated to sign the road maintenance agreement and not necessarily the individuals outside of the subdivision.

Commissioner Stowe agreed this was correct.

Mark Bean made not under Condition 5a) "sand filter mound system" was deleted by the Planning Commission and it should be an ISDS designed by a registered professional engineer - if they use the sand filter that's fine, but if they don't there's other options they may chose; and d) would be a registered site specific soil investigation be performed; and Condition No. 6 could also be deleted.

Commissioner Stowe amended his motion to include the corrections as noted by Mark Bean.

Commissioner McCown amended his second.

Vote on the Motion

McCown - aye; Stowe - aye; Martin - aye.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT APPLICATION FOR A WATER STORAGE FACILITY. LOCATED: ADJACENT TO RIVER VALLEY RANCH SUBDIVISION, SOUTHWEST OF CARBONDALE. APPLICANT: CRYSTAL RIVER LIMITED PARTNERSHIP

Mark Bean, Don DeFord, Larry Green and Colleen Truden were present.

Larry Green answered the notification and posting questions.

Don DeFord reviewed the noticing requirements submitted by the applicant. After review Don advised the Board they were entitled to continue.

Chairman Martin swore in the speakers who wanted to testify.

Mark Bean submitted the following Exhibits:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; and Exhibit D - Project Information and Staff Comments

Chairman Martin admitted Exhibits A - D into the record.

This is a request for a Special Use Permit to allow the construction of a water impoundment on a tract of 27.233 acres located adjacent to the River Valley Ranch development on the south side of Carbondale.

The water impoundment will be located on the side of the gulch that drains to the northeast. It is proposed to place a 700,000 gallon tank that is 62 feet in diameter and 32 feet in height. The water tank will serve future phases of the River Valley Ranch development and upon completion will be conveyed to the Town of Carbondale.

Recommendation:

Staff recommends APPROVAL of the application for a water tank as a public utility, subject to the following conditions:

All representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

Any seed used for revegetation, shall be certified weed free seed and the applicant shall be responsible for maintaining the site in a weed free manner.

Discussion and Motion

Chairman Martin abstained from the discussion and voting due to a partner of his in business that is part owner of this land.

Commissioner Stowe moved to close the Public Hearing and Commissioner McCown seconded; motion carried.

Commissioner McCown made a motion to approve the Special Use Permit for a Utility Tank (Water Storage) Facility for Crystal River Limited Partnership with the recommendations made by staff adding Condition 3 which would entail any drainage from the overflow of the approved tank would be mitigated by the applicant should it cause any problems with the deterioration of the roadway.

Commissioner Stowe seconded.

Vote on the Motion:

McCown - aye; Stowe - aye.

Chairman Martin - abstained due to a potential conflict of interest.

PROPOSED IMPROVEMENT DISTRICT - RED CANYON AREA - CERTIFICATION OF BALLOT

Don DeFord mentioned he had received a letter this afternoon from David Sandoval indicating that he would like to withdraw from the agenda; his client does not wish to proceed with that Improvement District at this time.

Recess 0

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until Tuesday at 10:00 A.M. September 12, 2000.

Attest:

Chairman of the Board

SEPTEMBER 12, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 12, 2000 with Commissioner Chairman Martin; Commissioners Larry McCown and Walt Stowe and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the Continued Public Hearing to order at 10:00 A.M.

OPEN SPACE PROPOSAL

Jim Leuthueser, Calvin Lee, Pat Fitzgerald, Mark Bean, and Bob Schultz were present.

In order to expedite review of the Service Plan at the September 12, 2000 hearing, Bob Schultz forwarded responses to the questions and concerns raised during the August 23, 2000 hearing. He commented in the memorandum that the statutory requirements have been met and today clarification on the outstanding issues would be addressed.

In Summary, the Open Space Committee submitted concerns and responses to various issues that Special Counsel Blake Jordan had addressed. Numerous statements of opinion for and against the proposal were made during the previous hearing. While it is important to honor citizen's right to express their opinion about the formation of an open space district, the County's role in the process is to review the Service Plan for sufficiency with regard to controlling statutes and adopted county policies. The record clearly shows that Open Space 2000 has met the requirements for approval.

We are asking that the voters of the area, as a whole, be given the opportunity to determine the desirability of forming the District. Therefore, we urge your approval of the Roaring Fork Open Space, Park and Recreation District on September 12, 2000.

Mark stated 18 property owners have requested to be exempted; some have multiple properties. These are included in the total of 70 properties who would be exempted if the Board approves the list. Those property owners with 40 acres or above are automatically exempted. The list was presented as an Exhibit N as well as the additional Exhibits that included: Exhibit O - Memo from Bob Schultz; Exhibit P - Amendments to Service Plan; Exhibit Q - Survey from Strategies West; Exhibit R- Letter from Russ Arensman; Exhibit S - Proof of Publication.

Chairman Martin admitted Exhibits N - S into the record.

Calvin Lee, Bob Schultz and Pat Fitzgerald briefly read into the record the amendments they proposed to address Blake Jordan's language he had recommended within the Amended Service Plan.

A survey of registered voters in Garfield County had been selected at random and 400 telephone interviews were held. A few of the questions asked were: how do you feel things are going in Colorado? 44 right direction; 49 not in the right direction; etc. and 49.5% said life is better than 5 year ago; 55 were concerned with growth in the area, traffic and population concern; 41% rated local taxes as moderate was a concern while 11% thought they were relative high; 80% of the 400 voters they polled though open space was a good idea. 85% were Democratic and 73% were Republican; even with the 2.5 mills property tax increase, 83% still thought it was a good idea; 80% thought open space benefited tourism and felt we should protect the beauty making it a great place to live and visit; 64% - don't trust government; and if there was a vote today, 65.8% said they would vote for open space while 26.8% were against and 6.8% were undecided. Of The names of potential Board of Directors were named - Tiffany Gildred; William Gray; Carter Jackson; Richard Stephenson; and Charles Willman.

Amendments:

Bob Schultz stated that Eagle County adopted the Open Space Service Plan and Amendments and had an agreed with Clerk & Recorder Sarah Fischer to pay for the cost of the election if it passed; if not, then the Roaring Fork Open Space and Recreation District would have the cost assessed.

Blake Jordan responded via telephone conference that he had received the amendments and the changes were made as per his recommendations.

Public Input

David Harris - CR 154 - A property owner and thanked the people for bringing this to the Board. He likes initiative and felt it would be a benefit. Let the people tell you what they are willing to pay. Voting allows this and he encouraged the Commissioners to say yes and allow this to go to a vote in November.

Don "Rusty" Ford - Crestwood Drive - A property owner and said frivolous taxes are hurting working and fixed income families and he is against it. A lot of open space already on the hills and he doesn't trust a lot of people to go out there and decide what will or will not be open space and consequently put residents in debt. Need the taxpayers money for road plowing, street repairs, and the like and he urged not to even consider putting this on the ballot.

Jan Giarodo - Property owner for 20 years in Garfield County. He and his wife are on fixed income - Social Security. He said they didn't want to see Garfield slide down like Eagle County has and therefore wants to put clamps down on potential slide area development and maintain what we have already as open space.

Frosty Marriott - said he attended the Carbondale Planning & Zoning Meeting and the vote was 6 - 0 for open space. He said Carbondale voted to have him come and speak for the Town. He summarized that 10% make it happen; 40% watch and 50% ask, what the heck happened? He said that the Town doesn't want wall to wall development.

Dale Will - Director of Pitkin County Open Space and Trails and a property owner. He supports this service plan and said it enhances the perpetuity of the life in Garfield County. Programs like this are popular and effective; and he encouraged the favorable vote of the Commissioners.

Bill Phillips - Carbondale resident. Bill said he supports it and encouraged the Board to vote favorable and submit the vote to the electorate.

Rick Nealy - Snowmass resident but owns vacant land in Garfield and Eagle Counties. He is willing to have his taxes increased. He said it was a good initiative; let voters decide.

Mike Staley - Property owner. He also urged the Board to put this issue on the ballot.

Shannon Meyer - Executive Director of the Carbondale Heritage Foundation and is not a property owner; however she has been working with people who want to remain on their land. So far there's no compensation but the Foundation is working on several options. She felt this initiative will be a tremendous benefit.

Ronald McGreggen - He felt this was a good way to preserve the land; ranch and farmland do not yield enough money for folks and it doesn't make sense anymore. Conservation easements are a good way to help them. Urged the Board to trust the voters to decide.

Evelyn Metzger - 552 Cowan Drive - a property owner and taxpayer who is concerned about the little tax increases. She lives on a fixed income and she said she is not for it.

Dorothy Mulligan - urged the Board of County Commissioners to put it on the Ballot. Something earlier had been mentioned that renters who vote on it don't have to pay the taxes - she said that renters do pay because every year their rent is raised.

John Haines - He and his wife are property owners and he is aware of how tax increases make it difficult for them to pay rent. These little increases in taxes add up and now the Fire Department wants tax increase. The commercial guy pays three times what the property owner pays in taxes. Therefore, he suggested to let those pay for it that will use it. As an example, he used Maroon Bells; they charge now. Do not put it on the ballot.

Jim Larson - Silt Mesa - property owner. Reiterated his feeling against the tax. A vote of the people will force the taxpayers to pay whether they want to or not if this goes on the ballot and is voted favorably. Carter Jackson did create some open space, except he did so by indirect taxes through a conservation easement. Tax laws are present and felt this was the wrong way to impose a tax. It wedges Commercial and Property Owners. And it is also taking a segregated piece of the County which he said was unfair - it will split Western and Eastern Garfield County like Marian Smith explained at the first hearing. Jim commented again on the Statutory District if this passes people will know that there is fatal flaw in their

proposal. This is not a good way to go about taxing for open space; you do not use a special taxing district to warehouse land outside the taxing law, and he urged the Board to stop it right now.

Steve Smith - said he has heard in this forum today, that the proposed open space issue was either good or lousy proposal. Again, the real essence of today is whether or not to let the voters vote in portions of Eagle and Garfield County that are included in the Proposed Service Plan. Urged the Commissioners to let the voters decide - support the proposal; give the voters the opportunity to make that choice.

Marian Smith - 1332 - 1330 Grand Avenue. She said her bother and her own land in the south part of downtown. She added there are four parts and four different questions that would be on the ballot. Therefore, she asked, if they vote for open space but no on funding question, the District would be formed but there would be no funding. She also stated that she was literally amazed at the amount of property owners who were not notified and some residents have not been notified other than what they read in the papers. The is very concerning to her. She commented that the County keeps adding more taxes and she likes the open space but if taxes go up, she will not be able to keep the present open space very long. She felt like this was an issue that people need to realize - some things you do reach a point where you don't feel like you can maintain what you've got.

Blake Jordan answered the funding question that Marian Smith brought up. If either of the funding questions such as mill levy and disbursement is defeated, what happens to the District? He said, if the District's organization passes, the District will be organized. If the voters do not pass that portion of the question, it will be authorized to borrow.

Blake further, citing from the memo from Leavenworth and Tester of August 2, 2000 with the 6 different concerns. He stated that he had the data from Attorney Lee Leavenworth for Mid Valley and if this District overlaps with them, they need to consent and preponderance they may consider Mid-Valley in order to proceed ahead. Apparently, they've laid down a series of conditions for their consent, although they don't actually say they consent. That want those conditions inserted into the service plan and if they are, then he would consent. This is not an issue for the County so much as it is an issue for the District Court.

Calvin Lee - It was also determined that Eagle did include it in their service plan. He verbally stated the Metro District consented and Eagle incorporated those conditions.

Bob Schultz - indicated it was attached to the Resolution in the Service Plan.

Jim Leuthueser - Noted for the record that there were seventy (70) requests for exclusion. Eagle County has made arrangements for payments. Garfield County should address this as well.

Mark Bean noted that out of the 70 request, w are over 40 acres in size and zoned agriculture. He was uncertain of 68.

Calvin Lee made an argument for no exclusions and said none should be allowed. In reading the letters for exclusion, the reasons given were generic. He also recognized that this Board can address those request but however, "if they do decide to give exclusions" then there is a need to find specifically. This District benefits everyone. It is not warehousing land; part of the funds will be used for trails, picnic tables, etc. not passive land to be used. Some areas are appropriate for family picnics; convenient for families for Sunday outings. The presence for this benefit will benefit commercial entities and it is unfair for the 70 property owners to be excluded when others have the same problems and the request should be denied. Ball fields etc. are not included. Only includes fishing, hunting, access to public land uses, trails.

Questions of the Commissioners included the supply and demand saying it drives the prices upward. There is a lot of approved development; the market is not being constrained. Eagle the same. County as a whole has a huge pool of undeveloped approved land.

Commissioner McCown pointed out that Open Space is a benefit to all residents but only one-half of the County is included in the proposed taxing district. There is nothing about expanded the District to include western Garfield County in the service plan. He expressed another concern was through the 2.5% mill levy increase to collect money \$10,000,000 and the Board of Directions will have the authority to decide what land to purchase and protect.

Pat Fitzgerald - commented that the District is not to appear targeting specific lands nor does it have an agenda to accomplish. Open Space will be determined first by asking for applications from property owners - would you want us to acquire a fee simple. This group would pick the best choices that come along. Assume to look at best available to the board. A Rancher wants to have it for ranching and there is a substantial value in the ranch. The value is better as a huge chunk of land versus subdividing and developing.

Commissioner McCown asked, are we really preserving ranches?

Pat Fitzgerald focused on the perception of agricultural.

Bob Schultz stated the ultimate is to not restrain the work of future directors. They will only be working with people who want to sell their land. Property owners near Carbondale want to stay in ag land and we also need lands where people can play. Each year could be different.

The Board asked why the rush for this year's ballot saying it would be better to wait and have the funding in place before the question of whether or not to form the District.

Calvin Lee and Bob Schultz both reiterated the number of meetings within the communities, 2 public hearings and formal notice - the Colorado Statutes requires a good faith effort regarding the requirement of notification.

Chairman Martin - asked for a postponement mentioning the problems of notification to approximately 400 citizens that were left out saying the elected bodies need to work together.

Other discussions included school sites outside the district; the Planning and Zoning having the right to review improvements; the Board of Commissioners final authority on land use; adjacent land owners right to have a say in open space issues and their fundamental right of say when use is changed.

Pat Fitzgerald stated that this is the Commissioners ball and bat today and if their motion is that any change in use is to be approved with P & Z; other communities want to have their right to make decisions and this can be conflicting. The big picture is more important than dictatorial control.

The Exclusions:

Mark Bean submitted the following Exhibits: Exhibit N - Letters from those property owners asking for exclusion; Exhibit O- Memo from Mr. Schultz; Exhibit P - Service Plan; Exhibit Q - Survey from Strategies West; Exhibit R - Letter from Russ Anensman; and Exhibit S - Legal Notice for the Second Meeting.

Chairman Martin admitted Exhibits N - S.

Marian Smith - brought to Calvin Lee's attention that he had linked all the letters and said most of them were dealing with increased tax but the letter she submitted told about what we had already given off from their tracks of land and some of that is indeed open space which is the Cemetery Hill.

John Haines mentioned he had a problem with the noticing due to the difficulty being read; it was similar to a card that Mildred sends when it is time to vote letting you know the Precinct you are registered in.

Rebuttal by the Applicant

Bob Schultz mentioned a lot of complaints and these have been clarified. But one was regarding the \$10,000,000 a year in bonding. He said they are asking for permission of a one time bond of \$10,000,000 and any additional bonds would have to go to the voters.

The discrepancy between residential and business rates, are set forth in the Gallagher Amendment and it is State Law and nothing we can do to adjust it. Boundaries - they have been explained a number of times. There is an attempt to incorporate the Roaring Fork Valley portions of Eagle and Garfield County - there are economic and social relationships between the communities and areas in that valley and planning documents specific to these areas that make them the appropriate boundaries. They would obviously support any effort to develop an open space district in the Colorado River Valley and have actually spoken to people in that area who were interested, but not in a position to do that at this time.

Special District requirements were followed as outlined in the State Statute and submitted a Service Plan that meets all of the requirements and allows the Board of Commissioners to make all the findings. The last amendments meet the special counsel's suggestions. 32-1-1005 specifically grants the Open Space approach they are talking about and it grants the rates for establishment of the recreational facilities included leases, easements and other interest in land for the preservation or conservation of site, scenes, open spaces and vistas. Interest in land does not have to be fee simple, it can be conservation easements. There is no doubt that the State Statutes authorizes this particular use under Special District. The questions on the Ballot; notification was supplied from Direct Data that established the procedures used to notify the public by mail.

Bob Schultz said he hopes the Commissioners will let the voters decide. He asked the Board to deny all exclusions and require all property owners within the district to participate. All share the burden of being in a community. These open spaces do have demonstrability benefits. Asked them to adopt a Resolution like in Eagle County and move forward to District Court.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the public hearing; carried.

Chairman Martin made remarks about the notice that was improper and would be challenged. P & approved with Recommendations - have they been met and approved or another motion. There are also concerns and confusion on a sales tax law versus what is the limit, etc. There is also a group making a land use decision outside of the realm of the Garfield County Commissioners - there is risk. Commissioner Stowe said the thing that bothers him most is the land use decisions. He has had a lot of calls for and against this. If we go ahead and pass this today and put it on the ballot he wanted the Steering Committee to know that the District Court may throw it out. Also to let the citizens vote to approve the District formation but not the money, then you guys will have the ability to do this without any money. His inclination at this point is to let the citizens go ahead and try; therefore, Chairman Martin clarified the motion was to be identical to Eagle County as presented today and with the recommendations that P & Z had sent down with all the additions that Blake Jordan requested that has been accommodated by the group in front of us today. Commissioner Stowe made a motion that we adopt the original service plan and amendments as presented today the same as Eagle County has done which will put this issue on the ballot in front of the voters; should the issue pass I would say there are problems, the Roaring Fork Open Space Recreational District pay for the cost of the ballot issue; should it not pass then Garfield County will eat that cost. Commissioner McCown seconded the motion.

Discussion

Commissioner McCown made the comment that he wanted to make it clear that he feels backed into a corner by not being able to add another amendment that will allow for County review. He said he couldn't do that and will not add the amendment but will vote accordingly. He said he could have supported this as well as the County was part of the review process. Therefore, he will vote against it. Commissioner Stowe pointed out that should this pass and the funding not be available, then it would be incumbent upon the Service Plan to pay for the cost of the election. Chairman Martin clarified that the County would pick up the tab if the District is formed but the funding does not pass the County would still be paying for the cost of the election. Commissioner McCown amended his second.

Chairman Martin said he had a lot of concerns and is torn both ways because he does enjoy seeing the wide open spaces and doing what we wanted to do which was to preserve what we have for the future and pass it on. There are some scary propositions in this particular Service Plan that aren't answered and we are giving land use review and decision making process outside of our board; I see a large risk to the citizens because we're imposing a lot of tax of them - some have legitimate concerns and I think we need to answer that question of opting out. There are some issues that need to be considered.

Vote on the Motion:

Stowe - aye; Martin - aye; McCown - nay.

Motion passes.

Exclusions of property:

The Board reviewed the requests.

Commissioner Stowe moved to review those requesting exclusions individually and decide.

Commissioner McCown seconded; carried.

Criteria and Grounds for Exemptions.

Blake Jordan said in looking over the Statute; it provides that this determination is to be done prior to approval of the Service Plan. He suggested to unravel the approval of the Service Plan and re-vote on the approval of the Service Plan after the determination of whether any property is going to be excluded.

Commissioner Stowe made a motion to rescind the original motion to approve the Service Plan.

Commissioner McCown seconded. Motion carried.

Commissioner Stowe made a motion that all properties that have established open space or green belts within their property and have submitted a letter where exemption to the County Commissioners be exempt from tax if this question is approved.

Commissioner McCown seconded but said he thinks there needs to be an additional clarification as to legal descriptions of properties so they can be excluded from the clerk's rolls. He asked for specific names.

Chairman Martin said there were 70 letters with the legal descriptions submitted.

All properties of 40 acres or more listed by Statute are exempt;

Plus -

Rock Creek Subdivision - Tom Crawford 484 Crystal River Road; Marian Smith and Gordon Duffy properties owned on Grand Avenue; Lot 7 Rock Creek - Dick and Bonnie Bradley; Lot 9 - Rock Creek Subdivision - Nanna Schob and David Mork; and Max Stanton - 1526 Grand Avenue.

Vote on the Motion

McCown - aye; Stowe - aye; Martin - aye.

Commissioner Stowe once again made a motion pertaining to the first vote on the approval of the Service Plan with all things previously referenced and authorization for the Chair to sign the Resolution.

Vote:

Stowe - aye; Martin - aye; McCown - nay.

Motion passes.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair in the momentary absence of Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

SEPTEMBER 15, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. September 15, 2000 with Chairman John Martin and Commissioner Walt Stowe present. Commissioner McCown via telephone. Also present were: County Attorney Don DeFord, County Administrator Ed Green, and Mildred Alsdorf Clerk & Recorder.

EXECUTIVE SESSION - NYSTROM LITIGATION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the Nystrom Litigation Issue; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

SEPTEMBER 18, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 18, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Ed Green said one item is a change in the benefit program. Pre-certification for durable medical equipment has caused concern among employees and providers. After investigation it was concluded that these pre-certifications are never turned down. We voted to establish a dollar limit of \$300 for any pre-certification on durable medical equipment to make it easier on employees and providers.

COUNTY ATTORNEY'S UPDATE

Don DeFord said he needs to discuss in executive session the following items:

- a. Property acquisition and get further direction from you to your staff, both myself and Mr. Green.
- b. Ongoing litigation with Oil & Gas, Nystrom, Nieslanik.
- c. Needs direction on contracts he's drafting right now.

Mr. DeFord asked for Ed, Jesse, the Board members, and Mildred to attend executive session.

EXECUTIVE SESSION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONER REPORT

Walt: *Thursday and Friday, Rural Resort Region, annual summit meeting at First Choice Inns, at 11:00 a.m. Thursday through Friday evening on into Saturday. *Colorado Association of Social Services meeting at Hotel Colorado on Monday from 10:00 a.m. - 2:00 p.m. to do an environmental scan. *Wednesday, Regional Affordable Housing, summit meeting, 5:00 p.m. - 8:30 p.m. *Special Meeting by Planning Commission on Wednesday.

Larry: *Comm. Board, Wednesday, 11:00 a.m., Silt. *Possibility of mtg. with Governor (in Denver), Tuesday proposed rail line from Vernal, Utah to Rifle, not a confirmed date.

John: *Region 8 EPA meetings, 10:00 a.m. at Courthouse. *Wednesday, Sept. 27, 2000, CDOT holding MIS I-70 Study from 9:00 a.m. - 6:00 p.m. at Rocky Mountain Village.

*Property tax workoff program for the elderly; under 39 3-7-101, a program available to us if we wish to look into it; allows the elderly to work off their property tax instead of paying cash at the end of the year.

We administer it, keep the records, and have to satisfy the assessor. The assessor thought it would be a good idea. The elderly can do volunteer work. They have to show that they've worked 100 hours a year at a certain level. It is not a liability to the County. Don DeFord said they would probably be treated as volunteers from a liability standpoint. He'll check the statute to be sure.

CONSENT AGENDA

- a. Approve Bills - Walt motioned to approve the consent agenda; Larry seconded; motion carried.
- b. Refer Text Amendment to Planning & Zoning: Aspen Equestrian Estates - John said it's understood that we're moving it to Planning & Zoning and they can schedule it.
- c. Sign Resolution of Approval: SBA, Inc. Special Use Permit for Telecommunication Tower
- d. Sign SBA, Inc. Special Use Permit for Telecommunication Towers
- e. Sign Finks/Savage Annexation Plat to the City of Rifle

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

John said the next item to discuss was the Intergovernmental Agreement (IGA); Randy Vanderhurst, Mayor of Carbondale and Sam Skramstad, Mayor of Glenwood Springs were present. Chairman Martin said the IGA would be added to the agenda for the October 2, 2000 meeting for signing. No decisions could be made today because the IGA was not on the current agenda.

REGULAR AGENDA

Don DeFord said WIC contract this year is \$121,922 for payment to the County. Covers the salaries of three WIC educators and one dietitian. Serves approximately 950 women and children. Don reminded the BOCC that on all Federal contracts we must comply with a number of Federal regulations including, the Americans With Disabilities Act. Don has noted to the County before that there are some things we need to do to get up to speed to meet our obligations under these contracts. There are requirements in terms of the type of audit the County performs. Jesse said the auditors have suggested that Finance receive a copy of all these contracts so we can log them in and keep them. We're not getting them now, and consequently we're not aware of what's supposed to be arriving and when. Don said that should apply to everyone in the County.

Don noted - these Federal contracts, as written, require that we take affirmative action to eliminate any discrimination in employment in the County. We comply with that to date.

Walt Stowe motioned that the Chair be authorized to sign the WIC Contract in the amount of \$121,922; Larry seconded; motion carried.

Lisa presented the Healthy Beginnings Contract for \$155,250. Don noted the first paragraph of the contract requires that the contract assure provision of prenatal and postpartum care. That's fairly significant language; to date Lisa has had no problem meeting that requirement.

Larry McCown moved that the Chair be authorized to sign the Healthy Beginnings contract in the amount of \$155,250; Walt seconded; motion carried.

Commissioner Stowe motioned to go into the Board of Health; Commissioner McCown seconded; motion carried.

BOARD OF HEALTH

Mary Meisner presented report to the Board.

Flu Vaccine:

Mary Meisner reported that flu vaccine is being rationed; there is a plan in place; purchase vaccine under Federal contract, obligated to follow their recommendation to disseminate the vaccine; give it out to Senior

Citizens group, chronic illnesses, police, fire protection individuals, people who are on the ambulance crews. Rocky Mountain HMO is not going to be doing clinics as they have in the past. Mary ordered plenty of the vaccine; the orders are being rationed.

Mary said all programs are going well. There's been team building. September 27th meeting.

Ed Green said one team was focused on customer service issues and how we could best meet the needs of a diverse clientele. Eventually the two teams may need to be united because their tasks are interrelated.

Healthy Beginnings update:

200 patients enrolled and going through program. Staff - one vacancy and recruitment is underway.

GMA - Contract for space. Layout for space submitted and contract. The date for moving has been moved until March 2001.

Substance abuse to women and children will be forthcoming as additional care. Margaret Long looking into legal side of the substance abuse issue with pregnant women.

Mary asked Board to sign a contract from the University of Northern Colorado for a student to spend some time in public health (preceptor is Sue Jones from Valley View). Student will spend some limited time in public health. Mary will also bring a contract from CU. Mary will be student's preceptor. Student will be here during October and November. Money will come from the Robert Wood Johnson Foundation through CU to place students in the rural area for rural health experience.

Walt Stowe motioned to go out of Board of Health; Larry McCown seconded; motion carried.

\$750 stipend being given to the agency so that nurses can take a course on the Internet. \$50 for books.

Walt Stowe motioned that Chair be authorized to sign a contract with the University of Northern Colorado College of Health and Human Sciences School of Nursing; Larry McCown seconded; motion carried. Commissioner Stowe moved to come out of the Board of Health; Commissioner McCown seconded. Motion carried.

HUMAN SERVICES COMMISSION

Lisa Pavlisick and Debbie Wilde, Executive Director from Youthzone, gave the presentation. A list of the approved grants were submitted. A booklet was handed out. The State of Youth handout. Early intervention is less expensive in the long run.

Youthzone did a 3-year evaluation with help from the Aspen Valley Community Foundation and wrote it into several government grants they have. The study, representative of up to a million rural resort youths, is very publishable and valuable. Three important things measure for 5 critical issues. First, we are making a significant impact on delinquent behavior. Second, reducing substance use. Third, increasing decision-making skills. The recidivism rate is very low. Youthzone as the first community step gets a wide variety of folks. Of these, one fourth have major issues; other 75% need good direction, guidance and shown that they are making bad decisions. Youthzone has positive focus.

Rebecca Willif, counselor with background with families and young families. Will work with Carbondale Middle School and New Castle Middle School. Louis Del Rio, on staff for one year, in new position called "Outreach." He's out on the street with the kids.

Several youths came to present their stories to the Board. Will Click, Brett Jackson, Genelle Lavarro, and Gabby.

BUILDING & PLANNING ISSUES: PUBLIC MEETINGS

REQUEST FOR EXEMPTION FROM DEFINITION OF SUBDIVISION: DANGLING ROPE CONTRACTORS, INC. LOCATED: 6434 CR 309, PARACHUTE, CO. APPLICANT: KENT AND CAROL SCHLUTER.

Don DeFord, Kit Lyon, Kent and Carol Schluter were present.

Don reviewed the noticing required for the Public Meeting with Kit due to an error in the first notice. He determined the documents pertaining to noticing were in order and advised the Commissioners they were entitled to continue. Chairman Martin swore in the speakers.

Kit gave the staff report saying that this is an exemption from the definition of subdivision for Dangling Rope Contractors, Inc. located on 40 + acres off of CR 309 in Parachute.

The applicant proposes to subdivide the parcel creating an 8 acre site and leaving 32 acres in the parent tract.

Letter from Mr. Wells was submitted that addresses his concerns - wants the applicant to go through the total subdivision process; concern for water; and the right-of-way that traverses his property.

Recommendation:

Staff recommends APPROVAL of this application with the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval;

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension, and area of the proposed lots, 25 foot wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities;

That the applicant shall have 120 days (until 1/16/01) to present a plat to the Commissioners for signature from the date of approval of the exemption;

That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;

That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with;

That the applicant will obtain and will provide evidence to staff, the necessary access easement to the property prior to finalization of the exemption plat. A legal road sharing agreement, which discusses all costs associated with the maintenance of the road, who will be responsible for paying these costs, and how assessments will be made for those costs, will be filed with the exemption plat;

Prior to the approval of an exemption plat, the applicant shall provide to staff and the Board of County Commissioners proof of legal access in the form of an executed access easement to County Road 309. The access shall meet NFPA 299 Wildfire Protection Standards;

Prior to the approval of an exemption plat, the applicant shall provide proof of a physical adequate source of domestic water for each lot created and will demonstrate that the water supply will meet the following:

a) That a four (4) hour pump test be performed on the well to be used;

b) A well completion report demonstrating the depth of the well, the characteristics of the well, the characteristics of the aquifer and the static water level;

c) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;

d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;

e) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

f) If the well is to be shared, a legal well sharing agreement which discusses all easement and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs will be filed with the exemption plat;

g) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;

9. That the following plat notes shall appear on the Final Exemption Plat:

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"Colorado is a 'Right to Farm' state pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any on or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State Law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is 'A Guide to Rural Living & Small Scale Agriculture' put out by the Colorado State University Extension Office in Garfield County."

Applicant, Kent Schluter, stated they are negotiating with Mr. Wells to work out an agreement to purchase the property necessary to create a second access. The deeded access is to 320 Road. Also, their well was approved for up to three dwellings. They will do a pump test on it to make sure that was available. In their area, new wells are an option with the location to the river that they're in. They understand there's a \$100 fee per year maintenance fee to drill a new well.

Larry McCown - mentioned the maintenance fees for the water and asked if they meant an augmentation plan.

Kent - explained that if they drill a new well on the property, they have to pay a \$100 well fee and this was to purchase water from the Ruedi Reservoir.

Larry McCown - said that's an augmentation.

Stowe - said once you've accomplished this last split, are there any geographical things, i.e. a stream running through property, that would cause this property to be split at a later time.

Kent - two streams run through the property; this split uses one of the streams as a boundary.

Stowe - asked if roads run through the property.

Kent - the roadway that accesses both to 309 and to 320 really runs on the very western border of the property. It wouldn't necessarily create another split.

Chairman Martin asked for public input; those that were not previously sworn in, were sworn in.

Wayne Wells - CR 309, Parachute, CO - 230 acres south and somewhat east of the Schluters - daughter owns two acres in the middle of Mr. Wells' property where she is building a house. In favor of the planning commission making applicants meet subdivision standards, so eventually sewers and water will be tied together. The water supply - wells went dry this summer; they've gone dry other summers; we are drawing down the Rulison Aquifer. More wells will damage his wells and his neighbors. His property sits above the Schluters. Two things: 1) would like to see all these little tracts made into two subdivision or at least the planning started, and 2) concern about the dwindling water supply at the Rulison Reservoir. Sent letter opposed to the exemption.

Chairman Martin - has letter which states Mr. Wells' opposition to the exemption. Made an exhibit. Will take the letter into consideration.

Evelyn Scott - 6373 309 Road - asked if DJ Road is legal access - the County does not maintain that road.

Commissioner Martin stated we can have it as a public access and not be maintained, or it can be a public road and not be maintained. He said staff is researching to see if it is a public right-of-way.

Evelyn - said DJ Road is public access because there are a lot of homes on that property, but wondered why notice wasn't posted out at 309 Road. They didn't know anything about this until Mr. Wells called to let them know. Also knows that the pond the Dangling Rope is talking about does not hold water. It should be in place to hold water before this is accepted, if it is going to be used for fire protection. There are no streams through the property, they are irrigating ditches, and they do not run all year round. We have one of the better wells in the area and our well has dropped considerably this year. A major issue to all the people in the area. Others have had to haul water all summer. If more wells are dug, are we going to lose all of our water? Who would be responsible if we run out of water?

Connie Earhardt - lived there for a long time, now 1230 W. Battlement Mesa - added that the water situation with established wells, it seems that subdivision requirements would best serve the area in the future. If you have parcels and break off little pieces is not in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County, and asked that that phrase would be deleted from the staff recommendation findings in cases like this. Condition No. 4 is all that is necessary that the application has met the requirements of the subdivision resolutions of the moment. She stated that 3 exemptions have been made already on this property.

Walt Stowe motioned to close Public Hearing; Larry McCown seconded; motion carried.

Larry McCown motioned that the Board approve the Dangling Rope Application for an Exemption From Definition of Subdivision with the recommendations of approval so noted by staff with addition of a requirement and placed a condition of approval that "the pond be sealed with bentonite and be demonstrated to hold water prior to the signing of the final plat, as well as a definite point of clarification on the legal access to the property, be it off of 320 or 309 and that all these documents be in place, and Chair be authorized to sign; Walt Stowe seconded motion; discussion?

Kit - suggested adding to Condition No. 7 another sentence, "If the proposed access changes from that discussed in the application, the Grand Valley Fire Protection District must approve of an access to 320 Road instead of 309 prior to signing of the plat." In case the easement they're working on now does not resolve.

McCown amended to include Kit's suggested sentence; Stowe amended second; motion carried.

REQUEST FOR EXEMPTION FROM DEFINITION OF SUBDIVISION. LOCATED: 4949 CR 319, RIFLE, CO. APPLICANT: CEDAR SPRINGS RANCH, LLC.

Don DeFord, Kit Lyon, and Peter Belau, Manager were present.

Don reviewed the noticing requirements with Mr. Belau and determined these to be adequate to meet the regulation. Don advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit stated that this is a request for an exemption from the definition of subdivision on 474+ acres located in Rifle with access off CR 319 approximately 4.5 miles south of the airport. The request is to create three (3) lots, about 5 acres each from the parent parcel.

Ballard Petroleum sent a letter dated, September 6, 2000 - a portion of the subject land is subject to oil and gas leases owned by Ballard Petroleum; and has plans to conduct oil and gas operations on the described

leasehold within the next calendar year and retains its right to enter upon the leased premises and explore for and produce oil and gas.

Rock and Rose Ranches, James and Karen Rose, also sent a letter, dated September 7, 2000 - they are adjacent property owners - are opposed to the exemption request - the request should be denied on the basis that the property is prime mule deer and elk wintering habitat, and is directly in the migratory corridor of the wildlife moving to their springtime birthing areas and summer ranges - 5 acre density is not compatible with the agricultural community surrounding the proposed subdivision - approval of the exemption would set a precedence in an otherwise strictly agricultural area.

Application contains a letter dated 7/30/2000 from Stewart Title which states that the legal description found in the deed is the same legal description for the property prior to the year 1973. Based on this information, the Board has discretionary power to allow the creation of four (4) exemption lots; no further division by exemption is permitted under the current regulations.

Kit Lyon gave a detailed report from staff.

Recommendation:

Staff recommends APPROVAL of this application with the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval;

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension, and area of the proposed lots, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities;

That the applicant shall have 120 days (until 1/16/01) to present a plat to the Commissioners for signature from the date of approval of the exemption;

That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;

That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with.

That the proposed covenants be amended to include items 3 and 4 (100' defensible space, fire wise practices) of the applicant's fire protection plan and to include the requirements of the RFPD (addressing and 30,000 gallons of storage). Furthermore, the two CSFS brochures mentioned in the fire protection plan shall be made exhibits and attached to the covenants;

That, prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created and will demonstrate that all water supplies will meet the following:

a) That a four (4) hour pump test be performed on the well to be used;

b) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

c) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;

d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;

e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;'

f) If the well is to be shared, a legal well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs will be filed with the exemption plat;

g) The water quality be tested by an approved testing laboratory and meet state guidelines concerning bacteria, nitrates and suspended solids;

That the applicant provide evidence to staff (prior to finalization of the exemption plat) that a minimum building envelope of at least one (1) contiguous acre (with less than 40% slope) exists and that the parcel can be accessed via a driveway that does not exceed fourteen percent (14%) slope. If this cannot be demonstrated, and the applicant wishes to provide a smaller building

envelope, the information in 5.04.02 of the Zoning Regulation must be submitted for review by staff and the Board of County Commissioners. Said information will be subject to approval or denial by the Board. If denied, the exemption plat will not receive final signatures;

That, prior to finalization of the exemption plat, the applicant prove a legal ability to access all the lots. Access roads will be constructed to support the load of fire trucks, including culvert pipe crossings.

The covenants, HOA bylaws, and articles of incorporation must be filed with the exemption plat;

That the following plat notes shall appear on the Final Exemption Plat:

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"Colorado is a 'Right to Farm' state pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any on or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State Law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is 'A Guide to Rural Living & Small Scale Agriculture' put out by the Colorado State University Extension Office in Garfield County."

Kit Lyon added #12 to the above conditions: "12. The following plat note shall appear on the final plat: All lot purchasers should be aware that an oil and gas lease is committed to the Hunter Mesa unit, an active exploratory unit. Ballard Petroleum LLC has plans to conduct oil and gas operations on the leasehold unit and retains the right to enter upon the leased premises and explore for and produce oil and gas."

Peter Belau addressed the Board - well permit has been issued for the new proposed well - two existing wells on the property they were not planning on using - Shelton Drilling drilled and found a good well about 20 gallons per minute - have not done the pump test or the water quality testing yet. Question on Item 7G - water quality be tested - nitrates - the state doesn't have standards regarding suspended solids.

Chairman Martin mentioned the importance of this test.

Peter Belau said it should read dissolved solids; McCown agreed, "TDS." Belau asked if raw water did not meet State standards, it could be treated to meet those standards? McCown said yes, and that would be a condition.

Peter responded to Rose letter - Roses were concerned that if the five acre parcels were permitted, then the next step would be to ask for exemption on the remaining property until the 474 acre tract was developed into 5 acre parcels, and Peter said that cannot be done under the exemption process.

Kit asked Mr. Belau about the access easement - Peter stated an easement was dedicated to a previous landowner. He thought the access easement went with the land, but said he will check with his attorney and the title company and get back to Kit with whatever she needs.

Public Input

Harold Shaffer - 5957 CR 319, Rifle, CO - He and his wife own property that adjoins Cedar Ranch for a length of 1 1/4 miles to their west - does not have negative comments about the Belau's plans for the property - does want to protect his own mineral rights - asked that each deed for the new tracts contain the following note: "The real property covered by this deed is surrounded by the Hunter Mesa and Grass Mesa Federal Oil and Gas Units. It is hereby so acknowledged by all parties to this deed that very active oil and gas exploration, drilling, and production will be taking place within the boundaries of these Federal Units several years into the future." Mr. Shaffer said he wasn't opposed to the Board using more clarifying and/or restrictive language - thinks it should be a Garfield County policy to alert newcomers that there are existing requirements to the land that surrounds them - he does support the subdivision.

Walt Stowe moved to close the public hearing; Larry McCown seconded; motion carried.

Kit reread the last condition of approval and suggested that the language be added to the deed.

Walt Stowe made the recommendation to approve the exemption from definition of a subdivision at 4949 County Road 319, Cedar Springs Ranch LLC with recommendations of staff including Item #12 and have that so noted in any future deeds and authorize the Chair to sign such exemption; McCown seconded; discussion?

McCown - is the 30,000 gallon of fire protection going to be something you can accomplish? - applicant said yes - there are some existing ponds on the property - may relocate those to make them more accessible for the fire department.

Motion carried.

REQUEST FOR EXEMPTION FROM DEFINITION OF SUBDIVISION. LOCATED: 7300 COUNTY ROAD 313, NEW CASTLE, CO. APPLICANT: ROBERT W. AND ANN L. RAMSEY.

Don DeFord, Kit Lyon, Robert W. and Ann Ramsey were present.

Don determined that the noticing requirements were met and the Board could proceed.

Chairman Martin swore in the speakers.

Kit explained that this is a request for an exemption from the definition of subdivision on 40+ in New Castle with access off CR 313. The zoning is A/R/RD. The applicant requested the parcel be subdivided into an additional lot due to the County Road 313 going through the property.

Recommendation:

Staff recommends APPROVAL of this application with the following conditions:

- That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval;
- A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension, and area of the proposed lots, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities;
- That the applicant shall have 120 days (until 1/16/01) to present a plat to the Commissioners for signature from the date of approval of the exemption;
- That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;
- That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be complied with;
- That the plat reflect a sixty (60) foot right-of-way for County Road 313 dedicated to the public;
- That, prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created and will demonstrate that all water supplies will meet the following:

- a) That a four (4) hour pump test be performed on the well to be used;
- b) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- d) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- e) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- f) If the well is to be shared, a legal well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs will be filed with the exemption plat;
- g) The water quality be tested by an approved testing laboratory and meet state guidelines concerning bacteria, nitrates and suspended solids;

That the applicant provide evidence to staff (prior to finalization of the exemption plat) that a minimum building envelope of at least one (1) contiguous acre exists and that the parcel can be accessed via a driveway that does not exceed fourteen percent (14%) slope. If this cannot be demonstrated, and the applicant wishes to provide a smaller building envelope, the above information (found in 5.04.02) must be submitted to review by staff and the Board of County Commissioners. Said information will be subject to approval or denial by the Board. If denied, the exemption plat will not receive final signatures;

That the following plat notes shall appear on the Final Exemption Plat:

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"No further divisions by exemption from the rules of Subdivision will be allowed."

"Colorado is a 'Right to Farm' state pursuant to C.R.S. 35-3-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any on or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State Law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is 'A Guide to Rural Living & Small Scale Agriculture' put out by the Colorado State University Extension Office in Garfield County."

Kit added an additional condition - the applicant is going to discuss the one dog limitation and so the 10th condition would be: "The applicant shall provide to staff a signed affidavit that the two dogs that currently reside on the property may continue to do so, however, once the one dog dies, or otherwise vacates the property, it will not be replaced."

Applicant - if they can provide that there is a building site greater than one acre of slope of less than 40%, then all these requirements will not apply? Kit said yes.

Robert Ramsey - also wanted to address the one dog issue - statement read into the record - property divided by a public roadway - seems exemption was created because owner's use of property was diminished due to this division that benefits the general public - but landowner seeking the exemption will further diminish the usefulness of his property by a restrictive rule as no more than a single dog - the purpose of the rule seems to be defeated to a certain extent - we love dogs, so purpose is defeated to a great extent - the subdivision regulation allowing only one dog per household seems to anticipate a different kind of subdivision than what we're talking about here today - the rule requires writing the restriction into the covenants of the subdivision - there are no such covenants involved in this division - the size of the parcels, 18 and 22 acres, should be taken into consideration - a resident of Castle Valley can have one dog per household - fully understand the problem this rule addresses - we are responsible dog owners - dogs do not run at large to harass, injure or kill domestic animals or wildlife - have a kennel when too busy to stay aware of dogs' whereabouts - train dogs to stay with the owners - leash dogs when appropriate - understand that rules run with the land and not the people - asked the BOCC to not diminish applicants' use of their land in granting this division, but to continue the minimum current use by allowing 2 dogs per parcel with the added provision that the dogs be contained in the borders of the respective properties.

Staff recommendation - to be consistent - the two dogs be allowed on the property that the applicants occupy and only one dog be allowed on the newly created parcel.

Public input

Marty Landrum - longtime resident up that creek - had no objection what applicant does with his property - major concern was the County Road is a secondary road - it's a horrible road - one lane in several places - already close to 50 forty acre tracts up that road - if this starts, there will be more land divided - spoke to Road & Bridge - no improvements in the near future on our road - there are two or three bad corners where there have been many accidents - nothing in the future on improving those - also concerned with fire danger with added dwellings.

Ramsey - letters of support from 15 neighbors - not setting a precedent - documentation of property up the road which was divided into 15 and 25 acre parcels - ask board to consider that as well.

Walt Stowe asked staff on one dog exemption - good exemption in subdivisions of one acre lots or smaller - what kinds of problems will develop if we allow in rural areas of 10 + acres that they could have 2 dogs - is that something we need to revamp as a whole thing or should it be done on a case by case basis?

Kit - not a popular limitation - people have been opposed to it before - if we get into a situation where we grant an exemption for some people and not others it will be very difficult - if we need to revise regulations we should do so.

Walt Stowe - said in several cases people are in violation of this out there - becomes a question of enforcement - gives us a reason to make them get rid of a dog at some future time, but that doesn't seem too humane - came across it himself when he subdivided his land - has had complaints from people who purchased his lots.

Mark Bean - original requirement came about as a result of numerous letter from the Division of Wildlife - this was one of their preferences in terms of recommendations - became a standard recommendation from DOW - and then became part of the regulations - we have granted exceptions in the past for existing conditions or situations; the dogs would be excepted and they would not be required to remove them, but that in the future the property owner would be restricted based on the limitations the regulations call for now - not popular requirement - and difficult to enforce - but can be enforced if there is a problem.

Kit clarified the recommendation to existing dogs on their property - if one dies, not to be replaced - and only one dog be allowed on the newly created lot.

Ramsey still asked for the 2 dogs per parcel.

Walt Stowe moved to close the Public Meeting; McCown seconded; motion carried.

Walt Stowe made a motion and a recommendation that the Board follow the request for exemption from the definition of a subdivision for the Robert and Ann Ramsey with the conditions as noted by staff adding Item #10 which would allow Ramseys two dogs on the Ramsey lot so long as they owned and occupied that property; at such time as they sold or left that property, that would then fall to normal requirements of one dog per residence, also on the new added residence it would be one dog; and authorize the Chair to sign this exemption; McCown seconded; motion passed.

Chairman Martin said for the future we need to consider the condition and maintenance of our different roads into different areas into which we are now expanding and subdividing and exempting. That needs to be one of our considerations for the future.

REQUEST TO EXTEND TIME ALLOWED FOR TECHNICAL COMPLIANCE REVIEW FOR FOLLOWING APPLICATIONS:

- 1) BAGLEY SB 35 EXEMPTION
- 2) STARVIEW PARK SKETCH PLAN
- 3) HEUR SKETCH PLAN
- 4) HARPER RANCH SKETCH PLAN
- 5) JUNIPER RIDGE ESTATES SKETCH PLAN
- 6) ELK SPRINGS FILING 6 SKETCH PLAN

A memorandum from the Building and Planning Department was submitted to request an extension of time to review planning applications. Recent amendments to the subdivision regulations and zoning resolution allow staff to request an additional time to review applications for subdivisions, PUDs and exemptions for technical compliance. As of 5:00 p.m. Wednesday, September 13, over 55 applications had been submitted to try and meet the valid development requirements of the County's regulations. Given the existing work load and projected work load from the new applications, staff is requesting that the Board approve an additional 15 working days beyond the present deadline, to complete the review of those submitted above.

Update - Mark Bean said this amounts to 13,150 acres total - proposed dwelling units 2,683 - 56 applications received since the 5th - 64 total.

The six applications listed above are the ones that will require substantial reviews - Mark said he will probably be back presenting some additional requests to you on October 2, for others that may be subject to similar reviews.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to allow up to 15 additional days for review and determination of the completeness of the applications for the various subdivisions; carried.

Don DeFord - one other planning item - we granted permission to Rose Ranch to file their final plat based on a cash deposit with a deposit agreement and required that they substitute a letter of credit within seven days - today is that day - spoke with their attorney - they would like a two week extension on the grant on the deposit agreement so that he can attain a final letter of credit - this is the attorney for Layman Brothers - they are new to the project and need some additional time - Georgia, Treasurer, has no difficulty with it - we are not collecting a Treasurer's fee, but we are collecting daily interest - Don recommended Board authorize Chair to sign an extension of that agreement - Walt Stowe so moved; Larry McCown seconded; motion carried.

Walt Stowe motioned for an executive session to discuss personnel issue; asked Ed Green, the Board, and Don DeFord present; Walt Stowe seconded; motion carried.

Larry McCown motioned to come out of executive session; Walt Stowe seconded the motion; motion carried.

A motion was made to go into the Board of Social Services by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

Discussion of Sales Tax Distribution

Jesse - the sales tax took effect in late February, so we had 10 months worth of impact in 1997, so I annualized it to a full year's impact as a base - then took 5.5% increase

Jesse's Memo - Question #1 - what was the intent of the sales tax initiative initially? - In discussions with Tom Beard, his recollection of the intent was that the initial sales tax that was set, $\frac{3}{4}$ of one cent, was adequate to meet the needs of the entities that were laid out in that tax initiative in year one - there was a concern that purchasing power would be eroded in subsequent years for those entities - 105% increase per year was warranted to maintain purchasing power - excess above 105% should be recovered, if there is excess, back to the general fund for use by the Commissioners where they see the greatest need.

Charlie Willman - Tom Beard and Charlie met - they have similar remembrances - in the drafting of the resolution - the overall intent was we wanted to allow for general fund increases - rate of inflation (3-4%/year) - 5.5% may have come from the limit on the funding in the State statutes.

Jesse - the resulting question is what is the base that one uses? - the excess would begin in the second year - therefore it would be in 1997 - then there are two options - first, it's 105.5% increase per year or second, it's 105.5% increase over the previous year.

Don DeFord - base is fee based - take 5.5% on the previous year - option A on Jesse's submittal. And it should be memorialized - would rather not attempt to amend the existing Resolution - that requires an election - simply have the board interpret the existing language - unless it's changed by election, a future board could change the interpretation.

Chairman Martin - give direction for interpretation to the finance committee to follow Option A.

Jesse - the sales tax lags by two months - from a budget standpoint it could be a problem because we have to do a final budget by the middle of December - if we go by the 12 months, the dollars would not be known until March - recommended using a calendar year and go calendar year, year to year, let it annualize itself out over time - the two months will repeat each year - would be an easier case of budgeting.

Chairman Martin agreed with Jesse - use the calendar year, use the formula we discussed, resolve all issues.

Jesse - that is the next question they need to resolve - the monthly amount would be deducted from the gross and then the net would be distributed according to the initiative - there has to be a decision as to what the initiative says.

Georgia - clarify what "net revenues" means - is that also net of her 1% fee that she charges? - that we calculate the 105% net of what we receive from the State then take the 1% fee, and then calculate the 105% - so it's actually what went into the peoples' different accounts that we take, not from our actual receipts - is that correct?

Don - that's the question that's asked - when we talked about it, it appeared the State uses the term "net revenue" to be the revenue generated that comes to the County after the State takes its deductions out.

Jesse - that also includes the gross sales taxes collected minus the percentage that is withheld by retailers for prompt submission of those to the State - that's part of the net.

Don - because the State collects the tax for us, the net is really what comes to the County - doesn't know if the statutory definition includes the Treasurer's fee.

Jesse - from an administrative standpoint, it would be simpler if we went back to what was submitted to the County by the State, deduct off of that the 1% for the Treasurer's Office right off the top, then deduct any monthly amount that was to be for the previous year's excess, then distribute it - much cleaner than what we're doing now.

Jesse - read up above in the preceding paragraph because this had two sections to the language - the excess, beginning with the second year, shall be used for Garfield County capital, personnel, operations, and road & bridge needs or placed into a reserve account for those needs; and establishes a capital improvement fund for future capital needs - it's not saying it all goes to one thing - it goes anywhere you want it - the excess can be determined by the Board - there will be excess based on current estimates - concerned because budget request was assuming no excess next year, and there will be, and that will have to be taken off of the top before it's distributed - not a heavy amount, but there will be excess we will be recovering.

Walt Stowe - wants to think about it - whether we put it in a reserve fund or not - likes the flexibility of having it in the general fund - but understands the needs of the emergency services and the Public Health nurse - we can allocate it to those even without having a special reserve fund set aside for them.

Ed - the excess projected for next year is \$277,000 - that will be recovered monthly prior to distribution for 2001 - decision is needed before October 13th in order to submit a budget.

Chairman Martin - decision making process on October 2 to go ahead and establish that within the general fund or to allow it to be distributed throughout.

Larry - asked if it was legal to put it in the general fund?

Jesse - yes - probably the easiest way - and gives Board the most flexibility

Chairman Martin - when Bob has a capital need, he makes a request to this Board through that fund and we redistribute those funds to him.

Larry - the Communications equipment will not be given any more credit for that excess than the Road & Bridge - it was created under the auspices of the sales tax.

Bob - budget projection - a fourth of the \$277,000 would be theirs to divide - with that in mind, 2001 budget submitted and is comfortable.

Board accepted it.

The Board desires to let the funds flow into the general fund.

Don DeFord - you need to authorize the Chair to sign a resolution interpreting the current County sales tax to utilize Option A for calculation of excess revenue, that determined there would be no retro active affect of this interpretation, that it will be applied to the year 2000 sales tax for the 2001 budget, that net revenue will constitute the amount returned from the State less 1% Treasurer's fee, and that you will confirm the distribution of the 12½% to Health Community Services and Human Services currently utilized.

Larry McCown - motioned that the Chair be authorized to sign a Resolution based on the actions that were taken today and mentioned by County Attorney; Walt Stowe seconded.

Larry - we haven't finalized our decision on the 12½% expenditure, i.e. Human Services.

Chairman Martin - delete that last line - amend your motion and second. Larry McCown motioned to amend his motion; Walt Stowe seconded; carried.

Animal Shelter

Cindy Crandall, 45851 Hwy. 6 & 24, Glenwood Springs, Colorado, President of Colorado Animal Rescue - introduced Jim Callaway - read a letter thanking him for his support.

Jim Callaway - the Animal Shelter that Cindy and her group built is outstanding facility - John Martin at opening - national rep from humane society said it is finest in a small community in the United States - open 4.5 months - 178 homeless animals - adopted out 140 to screened homes - the facility built on 7 acres of land donated by CMC - fee \$1 a year - local architect Dean Moffat designed building for no fee - raised \$400,000 and \$75,000 from the County - a lot of donations - building cost \$800,000 - paid \$400,000 in cash and \$400,000 borrowed from Bob Young's bank - open 7 days with 3 staff, cleaning, training, and adopting - Cindy working full-time at no pay - concern is \$400,000 mortgage - Jim asked another Texas family in the valley to contribute - family gave \$200,000 and it was applied to the mortgage the same day - another family from California may agree to give \$100,000 toward the mortgage - need to make a \$100,000 match from the Community - try and pay off the mortgage - essential for success.

Jim - second concern after mortgage is operating expenses - request BOCC give animal shelter \$2000 a month (to hire one additional employee) until matter is resolved with Sheriff about pick-up of animals - we serve the entire valley and all of Garfield County - not to the maximum number of dogs they can handle for the cages because there's not enough manpower.

Cindy - animal control - a Band-Aid with animal control

Carbondale and Glenwood - per animal.

Jim - we think that half of dogs and cats we've received have come from the pool that the Sheriff would be picking up - the rest are brought by people who no longer want their pets.

Martin said they will be considering the request at the budget discussions.

Additional sales tax discussion

Attorney Don DeFord - Resolution Concerning Acknowledgment of Receipt of the Garfield County Emergency Communications Authority Budget for 2000 - commissioners should authorize the Chair to execute resolution - by contract they are required to submit a budget to us - this is the official receipt - by signing there will be an official record.

A motion was made by Stowe that the Chair be authorized to accept the Resolution Concerning Acknowledgment of Receipt of the Garfield County Emergency Communications Authority Budget for 2001; Larry seconded; carried.

Additional note from County Attorney

Don received a letter from Martha Rudolph which confirmed discussions had in Executive Session - confidential documents - note within the body of her letter to review the comments by the 25th of September.

Adjourn -

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest:

Chairman of the Board

OCTOBER 2, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 2, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

a. *Cubby Presentation*

On September 9, 2000 the employees had a fund-raiser for Cubby Trevena and Chairman Martin presented a sum of \$3,025.00 toward his expenses and time lost with upcoming kidney transplant. Cubby thanked everyone and presented flowers to Barbara Gaber and Liz Nelson for all their hard work.

b. *Amendment 21 Letter*

Dale Hancock drafted a letter to Larry Kallenberger, Executive Director of Colorado Counties, Inc. and it was presented to the Board that addressed the concerns about the far reaching affects of the proposed 21st Amendment to the Colorado Constitution. The impacts will be felt by local and state government, school districts and special districts.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the letter and authorize the Commissioners to sign; carried.

c. *Review & Approval: IGA with City of Rifle for Exploratory*

Ed said this document will allow the County to proceed with the cleanup of contamination. This was caused by fuel leaks under city and county shops from underground storage tanks buried by the county several years ago.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Intergovernmental Agreement to establish monitoring well between the Board of Garfield County Commissioners and the City of Rifle; carried

d. *Lease Agreement: Parachute Clinic*

The Lease of Commercial Space between Battlement Mesa Realty Partners and Garfield County Public Health Nursing Service for a sum of \$75 a year with corrections with the elimination of paragraph 33 was approved in a motion made by Commissioner Stowe and seconded by Commissioner McCown; carried.

e. *Adopt Procurement Manual*

Tim Arnett submitted the final Procurement Manual.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adopt the Procurement Manual; carried.

f. *Consideration: Black Diamond Road Improvements*

Tom Russell, director of Road and Bridge presented a letter from Stephen Bershenyi to the Commissioners requesting that the last quarter mile of CR 126, also known as the Black Diamond Mine Road, be brought up to the exact same level of maintenance as the rest of the road that has recently been upgraded.

Discussion

Tom stated this portion of CR 126 is not a county road; its a public road and it is not listed on the Highway Users Fund. It will cost around \$3,000 including culverts and materials.

Tom called to the attention that this was not a County Road.

Don provided a legal account of the existing road, excluding the part for which the Board is being asked to approve today, came into existence when a number of exemptions were granted in that area and it was a grant of a non-exclusive easement - which is private in nature. Nevertheless over the years, the County has continued to maintain that road even though it was held in private ownership. The course of the current road is also not the course of the original road which was arguably a public road by prescriptive use many years ago. The upper part of this road that the Board is being asked to improve may in fact be a part of the old route and hence a public road. This is because the non-exclusive access easement was designed to service the parcels that were created by exemption and what we're talking about now is not one of those parcels but rather the area of the original Black Diamond Mine and areas that have historically been held for agriculture use. This is not considered a county road and the remainder of Black Diamond Road still remains as a private easement maintained by the county because it serves so many properties.

Kenny Gardner gave a report on the maintenance of the road to date. The County did built the turnaround. Very little has been done and no snowplowing has ever been done on the upper portion of the Board.

Tom mentioned he hadn't completed the research on this road.

The Board gave direction to Tom Russell to complete his research and to notify Bershenyi that this was never a public road and the County did a community favor once or twice. Tom was asked to bring this back with recommendations to the Board.

g. *Sign Henry Building Contract*

The contract for the purchase of the commercial property known as the Henry Building for a purchase price of \$437,100.00 was approved and authorization for the Chair to sign was made in a motion made by Commissioner Stowe and seconded by Commissioner McCown; carried.

Henry Building - Authorization of County Administrator to Sign

Don mentioned a second motion that would be needed which was to authorize County Administrator Ed Green to execute all necessary documents at the closing this afternoon - the Board will be occupied with a Public Hearing. Don and Ed will attend the closing and consummate the sale. The items Ed Green will need to execute: acknowledgment of the settlement sheet of closing disclosing that the total payout will be \$437,110.00; the additional amount is necessitated by the cost of closing. Don said he has reviewed the title commitment for this property and their liens and encumbrances - actually title to this property is very clean, there are virtually no exceptions so he advised the Board that the County was in very good shape. The property will be received by a full general warranty deed rather than a special warranty deed because there are so few exceptions to title. With that stated, Don said he'd like Ed authorized to sign the closing documents, complete the sale and transfer of the Henry Building Property to the County.

Commissioner Stowe so moved. Commissioner McCown seconded.

Chairman Martin inquired if there was any historical value or designation on the building at this point. Don said he had not been advised of any; the title policy did not disclose any and it would have if there was.

Motion carried.

Henry Building - Leases - 2nd Floor

Ed Green discussed the leases with the present tenants that are currently managed by Bray and Company. The cost of \$85 per month is the fee they assess but it brings the County \$850/month.

Ed said Bray and Company suggested this might make sense for the next 6 months. Provides for the standard 10% fee. It will cost \$85 a month and the county will receive \$850. They are all month to month except for the lease expiring on November 30, 2000.

These leases could be signed to the Board by Bray & Company.

Don stated that he have reviewed the current 5 leases for the upper space.

Don mentioned the benefits of providing the services of holding the security deposits. Commissioner McCown moved and Commissioner Stowe seconded the motion to sever the contract with Bray at the end of December 2000 and the County take over the management and authority given to the County Administrator to execute all documents; carried.

h. *Revised & Amended: EMS Resolution*

Ed Green, Dale Hancock and Carl Smith presented.

Dale said the Council had reviewed all the Resolutions. One change that was made providing for a permit so that an ambulance operate if they pick up one in-between when the County typically licenses all the new ones. If an ambulance is purchased in February, historically they've had to come back in front of the Board to get a sign off on it. Now this permit will allow an ambulance to go into service and then the license would subsequently be granted by the Board. It allowed to have specifically nurses be on ambulance crews as well as the standards promulgated by the State Division of EMS as opposed to the County's referenced codes.

Carl said the State has certain standards for ambulances; some of them by statutes and/or regulations and this is an attempt to bring the County in compliance with the State.

The third thing that was changed was the standards for ambulance drivers. The County had been more strict that the State and it caused some hardship particularly in the Parachute area. Those included to be able to drive an ambulance you need to have a Colorado Driver's license and had to be able to perform CPR. In certain circumstances - remote - this was causing some problems in certain times. The requirement of a driver of the ambulance to have CPR has been removed; it is still encouraged but not mandated.

Discussion - Status of the County's EMS Council and the new RETAC Formation

Carl Smith said he and Nancy Frizell, Trauma Coordinator for Valley View, have been attending the RETAC meetings. This is the Regional Emergency Trauma Advisory Committee. The ATAC is still in existence, it was a subcommittee of RETAC but it's going away in a year and it is just a matter of consolidating. At some time in the future, Carl said they will have to come back before the Commissioners and ask for an appointment of either two or four members to the RETAC.

Commissioner McCown mentioned some disturbing news coming out of the consolidation.

Carl voted to support the consolidation. There was some opposition from Mesa County but the rest of the committee was in favor. Carl said in the new grant proposal they will receive funding for 1 1/2 people for the RETAC to share between the old ATAC. Guidelines were determined and in January there will be a review of what is transpiring. A real concern the RETAC Board lacks a full understanding of what they are to do.

Commissioner McCown mentioned there was some local concern that the County's were going to lose the local control of their \$15,000 that they've been getting and asked if that was a shared concern among Carl's group.

Carl said yes that this was changed by Legislation.

Commissioner McCown mentioned the \$150,000 was still there.

Carl said the money will now go through the RETAC and they will have to apply for the \$150,000 they will now apply to the RETAC.

A Resolution concerned with the Amendment, revision repeal and reenactment of the Garfield County Emergency Medical Services Resolutions 83-133, 84-2, 85-36 and Resolution No. 84-194 was approved by the Board and the Chair authorized to sign by a motion made by Commissioner Stowe and seconded by Commissioner McCown with the amendments; carried.

i. *Award Contract: Road Sanding Material*

Tim Arnett, Kenny Gardner and Tom Russell submitted a request for Board action to award the contract to Lafarge for 3/8" sanding material in the amount of (\$40,200.00) for Ice and Snow on County Roads.

Lafarge was the lowest responsive bidder.

Tim stated the bid procedure.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid of \$40,200.00 for sanding material for ice and snow to be applied to Garfield County roads during the winter months for year 2000-01; carried.

j. *2000 Objectives*

Ed presented Revision No. 7 dated September 29, 2000 to the Commissioners as an update on the Year 2000 Objectives that were presented to the Commissioners the early portion of Year 2000.

7 goals have been totally met: Turnover Study; Integrate DSS into GARCO; County Wide Safety Council; Airport Improvement Projects; New Detention Center awarded to a general contractor; Telephone Conversion to Digital Switch; Riding Area; and Develop a Plan for ADA compliance.

Ed mentioned others that were nearing completion: Airport Sewer Line complete and the Water Line under Construction; GARCO Code Book; R&B Shop Conceptual Design; Conversion of Fixed Assets; Henry Building Offices and the Ordinance Revisions and Update - 1040 Regulations. Ed said his best guess was that 10 goals would be completed and possibly 2 additional by the end of the year. The total of 19 goals would probably be met by 2001.

Road and Bridge Shop Update

Tom gave an update on the proposed Road and Bridge site saying they are working with the architect. The CBC tract buildings are being prepared to be moved to the site. Reilly/Johnson will be the one handling the submittal of placing these buildings on the site.

Further discussion was held with respect to the Road and Bridge facility and the progress to date.

k. *Pay Factor for Bilingual Skills*

Phyllis Lundy presented the Human Resources Issues.

Positions requiring bilingual skills are the most difficult to fill. This was discussed in the Personnel Committee and it will only be for those whose position requires these skills and used on a consistent basis and after passing required tests proving their verbal and written. She mentioned there were 8 - 10 current employees that would qualify.

Discussion was held.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve an increase in pay for required bilingual skills in pay grades A, B, and C by \$1.00 per hour as per the recommendations of the Personnel Committee. Motion carried.

Phyllis added that this will be implemented as of January 1, 2001 in order to find or put together a certification test.

l. *Flexible Spending Account: Change in Provider*

Phyllis Lundy explained the purpose of this change in provider. The current administrator of the provider, NBA, has been doing a poor job of providing service. The Personnel Committee reviewed the providers that would be willing to administer this program for the County. She projected that enrollment would increase significantly once the employees were provided an explanation of how this works. This is an optional benefit. Gallagher and Bryler will come out and provide an orientation to the employees. There is a 7.5% savings on every dollar put into this program for the County. Along with this change, a CPA will be added to complete the required reporting forms at the end of the year.

Discussion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve a change of the 3rd party administrator of the Section 125 Flexible Spending Plan from NBA to Gallagher-Berly, Inc. (GBI) as of January 1, 2001 and have more information on back on the meeting and if there was going to be a County expense.

Motion carried.

Phyllis will bring more information to the Commissioners at a later date.

m. *Addition of Emergency Communications to CHP Plan*

Phyllis Lundy stated that a request was received from Robert Kibler, Director of the Emergency Communications to the Personnel Committee and also was presented for the Board's consideration to include the 20 employees in the County's CTSI Insurance Plan with the County.

Discussion was held.

Phyllis gave the recommendation of the Personnel Committee. The Committee was in favor of including these employees in the health plan.

Mildred mentioned for the County accounting and personnel's responsibility of handling the additional 20 employees might require a part-time person to implement and administer this additional work load; each department is at capacity for the completion of duties and responsibilities.

Phyllis explained the time concerns of Judy Osmon's time to meet the needs generated by the extra employees.

Commissioner Stowe said as long as the cost to be incurred by the County was made clear to the Communications Authority, then he didn't have a problem with it and said he trusted Phyllis Lundy, Tim Arnett, and Ed Green to make certain the cost of administration fees were included; then with that in mind he made a motion to add the Emergency Communication Authority to the County Health Benefits Plan with them paying a sum commensurate with the costs to the county as an administrative fee to be determined.

Commissioner McCown seconded.

Discussion

Chairman Martin said Mr. Kibler has also requested this through a letter and supporting that request.

Commissioner McCown asked Phyllis if Bob Kibler was aware of the fee.

Phyllis responded that she has not talked to Bob directly about the percentage, but he is aware that there will be a fee associated with the administration of this if it is approved by the Board.

Vote - Motion carried.

- o. *Executive Session: Negotiations for Modification of Gould Contract: Riding Arena - 6" Water Line*

COUNTY ATTORNEY'S UPDATE and EXECUTIVE SESSION

Don DeFord gave his update saying that Item O will be an Executive Session and as well he would like to discuss the Nystrom Litigation, Nieslanik Litigation; Oil and Gas Litigation; and Litigation concerning Prairie Canyon Road; and Direction concerning a Property Acquisition and Contract Negotiations.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the aforementioned items; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Riding Arena - Fire Hydrant and Accessories Construction

Janice Louchs submitted the bids associated with the heating system for the Garfield County Fairgrounds 5000 square foot office area at the Riding/Events Center.

Bidders included: Gould Construction; Grand Mesa Mechanical, Inc.; and Burke Associates, Inc.

Commissioner McCown made a motion to authorize the County Engineer to proceed with the contract with Gould Construction for the installation of an 8" line, fire hydrant and accessories in an amount not to exceed \$29,150. Commissioner Stowe seconded.

COMMISSIONER REPORT

Commissioner Stowe - Rural Resort meeting and reports available.

Healthy Beginnings Board Meeting - October 5 - noon.

Commissioner McCown - Associated Governments met last Thursday in Meeker; this Thursday from 4:00 - 5:30 P.M. there is a meeting at Mesa Vista Assisted Living Board in Battlement Mesa.

Commissioner Martin - Monday, Commissioner McCown and he attended the meeting of the Colorado Oil and Gas Conservation Commission and came up with a draft order. They have postponed a decision on the 20-acre density application until October 31, 2000. C-DOT MIS I-70 meeting at Rocky Mountain Village - September 27. The Library Board meeting on September 28 which was really nice to report back - they're extremely happy with the County for taking care of all their needs - new paint, new carpet, new roofs, new air conditioning, new furnaces, book drops, new glass and they are looking at a very bright future they say

and trying to put together something on a capital improvements project fund balance. They are no longer in the red and the communications is great - thanked Jesse Smith and Tim Arnett.
 C-DOT Meeting 9:30A.M. at the Courthouse discussing I-70 from Eisenhower Tunnel to the Utah border.
 A court hearing that he and Don DeFord will attend in Grand Junction Thursday at 1:00 P.M.
 Criminal Justice Board Review Committee is meeting and trying to put together all their rules and regulations; staff reports and programs on Friday, October 6th at 10:30 A.M.
 City & County Meeting - October 10, 7:00 A.M. Courthouse

Ed Green mentioned that in November it was decided to go with two Board meetings due to the election on November 7; Building & Planning is going to need time on November 27th for their Public Hearings for 1/2 session. The Board preferred the morning session.
 November 6, Warren Cook, the Consultant with NIC will be here for a 2-day training with the Sheriff's Office regarding the transition for the new jail. This training is provided free of charge by NIC, provided that all three Commissioners attend the first 3 hours of the session. This will be at the Sheriff's Office.

Special Meeting - Budget October 13, 2000. Jesse stated this will be the presentation to the Board.

Margaret Long's father passed away, Friday - 9/29 - The Board said they wanted flowers to be sent.

CONSENT AGENDA

a. Approve Bills
 A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Bills and Payroll as submitted; carried.

- b. Refer Springridge Place Phase II Planned Unit Development/Sketch Application to Planning and Zoning for Review -
- c. Sign Amended Beulah Wilson Subdivision Exemption
- d. Sign Resolution of Approval for a Public Utility Water Storage For Crystal River Limited Partnership
- e. Liquor License Renewal: Buffalo Valley Inn
- f. Request for Extension of Time to Review Planning Applications:

Smith ET.AL SB35	Fischer SB35	Roaring Fork Preserve
Preliminary Plan		
T.Q.Ranch Preliminary Plan	Klenda Sketch Plan	Lake Springs
Ranch PUD/Sketch Plan		
Native Springs Preliminary Plan	Gilbert SB35	Lookout Mountain PUD/Sketch Plan
Sanders Ranch PUD/Sketch Plan	Four Bar Ranch SB35	Cattle Creek Commercial Center Sketch Plan
Monument Gulch Sketch Plan	Satterfield Sketch Plan	Colorado Valley Estates PUD/Sketch Plan
South Ranch Sketch Plan	Harney Sketch Plan	Mid Valley Business Park Sketch Plan
West Valley PUD/Sketch Plan	Prehm SB35	Twin Creek Game Ranch/Land SB35
Juniper Hill Sketch Plan	Schalberger Sketch Plan	Territories Mountain Club 40-Acre SB35
Horse Mountain Park SB35 Sketch Plan	Garfield dRanch SB35	The Rapids - Phase II
Tamburello Sketch Plan	Hilton SB35	Sunlight Development SB35
Wilkman Sketch Plan	Rifle Gap	Blue Creek Ranch PUD/Sketch Plan
Shifrin Ranch SB35	Spruce Meadows Sketch	Orchard at Canyon Creek PUD/Sketch Plan

Harley Rippey SB35
Sketch Plan

Clark Sketch Plan
Plan

Estate of Louise Deane SB35

Gene Hilton SB35

Maniscachi Sketch Plan Sunlight Inc. PUD/Sketch

Denise & Trish Cerise SB35

Crystal Mesa

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve Consent Agenda Items b - f; carried.

Sheriff's Vehicle - Title - 1997 Ford Sedan

Mildred Alsdorf presented the title and gave the history. The Sheriff's car was demolished in an accident while responding in an Emergency situation; a tire failed (not a Freestone tire); the deputy was not injured; vehicle totally destroyed.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair's signature on the title for the wrecked vehicle; carried.

Letter of Agreement with Open Space - Ballot Issue

On September 12, 2000 this issue was discussed and included in a motion made. At that time, Commissioner Stowe pointed out that should this Ballot Question pass and the funding not be available, then it would be incumbent upon the Service Plan to pay for the cost of the election.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to enter into an agreement with the Clerk & Recorder's Office to pay for the cost of the election of the Open Space Initiative should it fail and to authorize the Chair's signature of the Letter Agreement; carried.

REGULAR AGENDA - BUILDING & PLANNING ISSUES - PUBLIC HEARINGS

CONSIDERATION: INTER-GOVERNMENTAL AGREEMENT-JOINT LAND USE REVIEW

Mark Bean, Mayor of Rifle David Ling and Don DeFord were present.

At a special meeting on September 27th, the Planning Commission reviewed the proposed Intergovernmental Agreement for Development Review. The Commission was concerned about the language in Section B, which can be read two ways. Staff believes the language is intended to say that the County will refer a copy of any application meeting the IGA criteria to the municipalities before a determination of technical compliance is made. The Planning commission and staff both agree that the same language can be read to say that the county will not make a determination of technical compliance until the review and comment of the affected municipalities is received by the County.

Based on the above discussion, the Planning Commission recommended that the Board sign the proposed IGA, provided the language in Section B is clarified to state that the County will refer a copy of any application meeting the criteria in the IGA prior to the County making a determination of technical compliance, but not requiring the comments from the municipality prior to making a determination of technical compliance.

Don DeFord mentioned he had discussed the time frame with City Attorney Teresa Williams and they agreed the time frame of 21 days for all types of applications would be less confusing.

Dave Ling commented that this was to gain more cooperation between the municipalities and Garfield County. He said there was a lot of comments in the front range area on the Growth Initiative on the General Election Ballot 2000.

Commissioner McCown mentioned this was the language and result the Commissioners were looking for, now that all the whereas and wherefore's and the verbiage has been properly placed. Commissioner McCown made a motion that the Chair be authorized to sign the Intergovernmental Agreement for Development Review and approval of said IGA. Commissioner Stowe seconded the motion.

Comments:

Chairman Martin said a pat on the back to all the Mayors that did attend those meetings and willing to go ahead and find the compromise - the County did as well.

Motion carried.

David Ling thanked the Commissioner Board, Don DeFord and the Building and Planning Commission for all their hard work in getting this completed.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A KENNEL. LOCATED: LOT 37, ASGUARD SUBDIVISION, 1588 ODIN DRIVE, SILT, CO 81652. APPLICANT: DUST-N-SAGE KENNELS/GARY AND HILDA AHO

Don DeFord, Jeff Laurien, Gary and Hilda Aho were present.

Don DeFord reviewed the required noticing submittals to adjacent property owners provided by the applicant. He determined that the testimony, the documents were timely and in order and advised the Commissioners they could proceed.

Chairman Martin swore in the Speakers.

Jeff Laurien submitted the following Exhibits:

Exhibit A - Green and White Receipts; Exhibit B -Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Comprehensive Plan of 1984; Exhibit E - Application; and Exhibit F - Staff Report with attachments were submitted.

Chairman Martin admitted Exhibits A - F into the record.

Jeff reviewed the project information and staff comments saying that this was a request for review of a Special Use Permit to allow a Kennel operation on approximately 5.66 acres at 1588 Odin Drive, Silt. The applicants are proposing a dog kennel on-site to house, raise, and breed "no more than 20 small" dogs. No boarding of dogs will occur.

Recommendation:

Staff recommends APPROVAL of the applied for Special use Permit for a kennel with the following conditions:

- A. That all representations of the applicant, either within the application or stated at the hearing before the Board of county Commissioners shall be considered conditions of approval, including but not limited to the following:
 - A. The submitted building.
 - B. The submitted information regarding noise abatement for the proposed kennel
 - information regarding the proposed septic system.
- B. As per the County Engineer's comments, "The quantity of water proposed is sufficient if the cistern is sized for at least 20 gpd. The licensed engineer designing the facility (cistern) should verify that the size is adequate for water usage, but not oversized so that water quality becomes an issue."
- C. Section 2.02.311 of the Zoning Resolution which defines "kennel" must be complied with in the operation of the proposed kennel.
- D. Any signs for the proposed kennel must comply with Section 5.07 (Garfield County Sign Code), of the Zoning Resolution.
- E. No outdoor dog run will be allowed.
- F. All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subject lot, except that provisions may be made to allow for safety lighting that goes beyond the property boundary.

Public Comments: None

Commissioners

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve with the 6 conditions recommended by Staff and adding Condition No. 7 "Noise dampening walls and/or berms shall be installed if any complaints are received regarding noise"; carried.

REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR A SHOOTING RANGE FACILITY. LOCATED: PORTIONS OF SECTION II, TOWNSHIP 6 SOUTH, RANGE 90 WEST OF THE 6TH PRINCIPAL MERIDAN, GARFIELD COUNTY, APPROXIMATELY THREE (3) MILES WEST OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 134. APPLICANT: GLENWOOD SPRINGS GUN CLUB

Don DeFord, Mark Bean, Robert M. Dodds, President of the Gun Club and Terry Wilson.

Don reviewed the required noticing submittals by the applicant. After review and questioning of the applicant, Mr. DeFord advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the Speakers.

Jeff Laurien submitted the following Exhibits: Exhibit A - Green & White Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as Amended; Exhibit D - Comprehensive Plan of 1995 for Study Area 1; Exhibit E - Application; Exhibit F - Staff Report with Submittals; Exhibit G - Letter from Glenwood Springs Police Department in support of the SUP; Exhibit H - Letter from Pitkin County

Chairman Martin admitted Exhibits A - H into the record.

Jeff Laurien reviewed the project information and staff report stating that this is a request for review of a Special Use Permit to allow for a Shooting Range Facility located approximately three (3) miles west of Glenwood Springs off of County Road 134.

The subject property has been used as a Shooting Range Facility since 1972. He reviewed the description of the proposal, relationship to the Comprehensive Plan; Garfield County Zoning Resolution Section 5.03.027, suggested findings and the following recommendation.

Recommendation

Staff recommends DENIAL of the Special Use Permit for a Shooting Range based on the following:

- A. Section 5.03.027 (1), of the Zoning Resolution which pertains to safety does not appear to have been complied with in the submitted application.

Staff would like to note that if the Board decides/determines that the range is safe, according to Section 5.03.027 (1) of the Zoning Resolution, then Section 5.03.027 (1) would appear to have been complied with and staff would likely recommend approval with conditions as outlined in this report.

Applicant Input:

Robert M. Dodds, President of the Gun Club - Said he believes the range is safe and in the report it is noted that he is a certified inspector.

A dialogue between the Commissioners and representatives of the Gun Club was held regarding the use of alcohol at the Clubhouse in comparison with the firing range and lodge proximity; lack of a liquor license especially when Coors or the like sponsors an event; the lack of a current lease with the City of Glenwood Springs; and the Clubhouse not being a permitted use as well as archery and paint ball.

Robert Dodds mentioned he had sent a letter to the City of Glenwood on September 16, 2000 requesting to add paint ball and archery.

Citizens Input:

Mayor City of Glenwood Springs Sam Skramstad stated for clarification regarding lease and the SUP that many of the things were the chicken and egg process. The City has not had a discussion yet on the lease.

Malcolm Jolly added that the City and he are attempting to resolve this issue.

Terry Wilson - Glenwood Springs Police Department. Terry said it was a confusing process when looking at the Garfield County Special Use Permit. Safety Issues: Regarding a number of the shot from the trap ranges and falling into the rifle ranges, The Glenwood Springs Police Department conducts the scheduling of the firing range, donation of materials, and all law enforcement use this range. A Scheduling Process doesn't coincide with any other activities of the Gun Club.

Tony Paxon Silt Police Department. They use Certified Firearms Instructor. They schedule their pistol and paint ball use with Glenwood Springs Police Department

John Savalorsky of Pitkin County said that CMC Police Academy uses the facility to train their students.

Malcolm Jolly said he owns 440 acres adjacent and has worked with the Gun Club for many years. His father purchased the property late 40's or early 50's before the City had a dump or anything else. He gave

the history saying at the very beginning when the Gun Club starting leasing the property, saying the Gun Club went ahead with the proper procedures and put a gun range in there and everybody had no problems with it. Then they starting having vandalism problems so they starting locking the gate and at the time they locked the gate, they made it a point that his dad and he had a key because the City of Glenwood Springs has no business locking that gate - it's a County Road. At one time it was a wagon road going to the property that he owns - it was homesteaded many years ago. But since they were good neighbors, they agreed to lock the gate. So this is why he doesn't have an easement - technically, he didn't feel he needed an easement, if they want to keep the gate unlocked then it becomes a public road if they do. The City can give him an easement and retain their rights to lock that gate or he feels it is a public road.

As far as the Gun Club, he is in favor of it. The law enforcement agencies that shot up there even when there were sheep in the area, they were good neighbors willing to stop when they trailed through there. One problem he does have with law enforcement agencies using it after dark. His concern is if he's driving up the road after dark if they are shooting close to the road. A person can't even hunt after dark.

Wade Davis owns 40 acres and *Rick Huffman* owns the other 40 acres. He didn't have any problem with the Gun Club and his only concern is that they do have an easement to go through the property. Gun Club agreed not to use the Right Trap Shooting, the Permanent Trap Shooting - and that is not the case. There has been a couple of times when coming down the hill and they continued to use that area. This is definitely a scary part for his family when they are shooting. They are always safety conscious and they stop shooting, but he has young children riding bikes up and down that area. Saturday the Gun Club uses the property and this is usually the time that his family uses the property as well. Another concern is the trap throwing across the road as they are coming in. There is no way of knowing where they are or what station they are at when they do shoot.

His partner's car has been shot twice with one BB each time. He's a hunter, loves shooting trap and wants safety first. He doesn't want to be nor his children - the accident.

Rick Huffman - property owner in the area and he knew there was a gun club in the area when he purchased the property. His concern is to make sure these guns are pointed in the right direction. Some trap has fallen on the road. Should be a review of the trap stations. There is a historical shooting range - but it points directly to his property. According to the Gun Club this range is not being used. His kids were over there poking around and found new shells. The demolition of this range was his request. Removed and moved properly. Concrete benches are nice and should be used elsewhere. He clarified the access - the agreement with the Town of Glenwood Springs is entitled the Lahey/Davis Access Agreement. Rich purchased the land from Todd Lehay and would like to be recognized by the City of Glenwood Springs as a part of that access agreement.

Robert Davis' rebuttal claimed that no one was using that Historical Range.

Terry Wilson clarified that night shoots were held but they are 90 degrees from the road. He also suggested to place flags at the beginning and ending of the road indicating there was a shooting being held on the property.

Colorado State Patrol (CSP) - Trooper O'Neil - Range Officer stated they use the range in Glenwood Springs and they use the NRA Standards when shoots are held. Further, he added that they wouldn't use the range unless it was safe. They stop when residents are using access also the Glenwood Springs Police Office has made these shoots easier to schedule. CSP has to account for every shot. The way the roads are internally through the range, you can navigate through the range with very little concern of being shot because of the way the range is designed for shot gun and pistol. Those courses of fire do not point in the direction of a road except for some of the skeet ranges. Velocity of those pellets is minimal to almost none as far as distance is concerned. He suggested to the Board that they use a flag out by the gate at the entrance - this would be recognition that a shoot event is going on. A similar flag could be placed down where the road goes uphill towards the private property so the land owners would also be aware.

Scheduling is not a problem; felt it was unfortunate that paint ball and the bow issues are not allowed at this time. Both do not have the velocity of the pistol. He asked that these be approved for use.

Pam Railsback - Glenwood Springs Gun Range Secretary. She has noticed that many times they have asked a gentlemen to lock the gate when they go through it; it doesn't get shut and then no one knows when there is a shoot taking place.

Commissioners Input

Commissioner McCown summarized that basically two activities seen to be going on at the range. One is sporting consisting of traps, skeet and law enforcement training occurring at another area, yet it is all under the Gun Club. He also questioned the use of alcohol of a single member being unsupervised. Other questions included the history of the Clubhouse - permitting and purpose of the building.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

The staff mentioned that the Board needed to make a determination - safe or non-safe .Board determination.

Finding of the Board:

Commissioner McCown made a motion to recommend approval of this Special Use Permit for the Shooting Range Facility for Glenwood Springs Gun Club with the following conditions:

- A. All zoning regulations must be met before any Special Use Permit shall be issued;
- B. Any remaining structures which were used for the old rifle range, which is no longer to be used, must be removed.
- C. Red flags must be posted at both ends of the internal access road at any time when any ranges are in use.
- D. No alcohol will be permitted within two hundred (200') of any range.
- E. A lease must be in place, with the City of Glenwood Springs, for the subject property, allowing the use of the property for a shooting range facility, and listing all permitted uses as part of the shooting range facility, i.e. clubhouse, paint ball range, archery range, etc. before any Special Use Permit shall be issued.
- F. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

Chairman Martin requested to be inserted in the motion that all access agreements be written and approved and in place prior to the issuance of this permit. And that the lease with the City of Glenwood Springs be in place - without the lease, the permit has no place to be.

Commissioner Stowe seconded with the two additions made by Chairman Martin Motion carried.

REQUEST FOR APPROVAL: SUNLIGHT PLANNED UNIT DEVELOPMENT AND PRELIMINARY PLAN REVIEW. LOCATED: TRACT OF LAND (32.010 ACRES). APPROXIMATELY THREE (3) MILES SOUTH OF GLENWOOD SPRINGS, OFF OF COUNTY ROAD 117. APPLICANTS: WILLIAM M. ZILM FAMILY, LLLP

Acting County/Special Attorney Josh Marks, Mark Bean, Larry Green, and Bill Zilm were present.

Josh Marks stated that the applicant has waived the 120 days and 120 PUD requirements.

Bill Zilm - Posting was done on Four Mile Road the 1st part of September.

Larry Green - Publication and noticing - Larry Green stated his office followed those requirements and he included those mailed today to Mr. Marks. These were verified from the Assessor's records - the most recent publication.

Mr. Marks advised the Commissioners that the noticing and notification process were in order and they were entitled to proceed.

Chairman Martin swore in the Speakers.

Mark Bean submitted the following Exhibits:

Exhibit A - 1 and A - 2 - Proof of Publications; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Garfield County Subdivision Regulation of 1984 as amended; Exhibit G - Garfield County Comprehensive Plan of 1995 - Study Area 1 as amended; Exhibit H - Letter from the Glenwood Springs Fire Dept.; Exhibit I - Various letters from the Division of Wildlife; Exhibit J - Letter from the Geologic Survey; Exhibit K - Letter from the RE-1 School District; Exhibit L - Letter from the Division of Water Resources; Exhibit M - Letter from the Colorado River Engineering Inc.; Exhibit N - Letter from Vern and LeeAnn Arbaney; Exhibit O - Letter from John Reed; Exhibit P - Letter from William Pickhan; Exhibit Q - Photos by Bob Hadley; Exhibit R - Letter from Charles Willman; Exhibit S - Notes (2) from Margaret Wadsworth; Exhibit T - Letter of support from Kurt Neilsen; and Exhibit U - A

letter of explanation from Dan Cokley from SGM regarding the drainage and impact of drainage onto the sewage treatment ponds for this development.
Chairman Martin admitted A - U as submitted.

Mark Bean summarized the project information and staff comments stating it was virtually the same information submitted at the last public hearing scheduled for August 28, 2000 when noticing requirements had not been met and was therefore rescheduled.

This is a request for a PUD and Preliminary Plan Review for William M. Zilm Family, LLLP., on a 32.0101 acre tract of land located three miles south of Glenwood Springs, off of CR 117.

Recommendation:

The Planning Commissioner recommended APPROVAL of the PUD Plan and Zone District Amendment by a vote of 4-3 and APPROVAL of the Preliminary Plan of the Sunlight View II PUD by a vote of 7 -0, subject to the following conditions:

PUD ZONE REQUEST CONDITIONS OF APPROVAL FOR SUNLIGHT VIEW II

- A. All representations made by the Applicant at the Public Hearing and in the Application shall be considered conditions of approval, unless specified otherwise by the Board including, but not limited to, the following items listed below.
- B. That the development shall not occur in stages.
- C. The construction of all community facilities shall be undertaken in a single phase.
- D. The maximum number of dwelling units within the PUD shall be thirty (30) with three affordable housing units to be developed through the buy down of affordable units in the City of Glenwood Springs. They buy down agreements for the three (3) affordable units will be in place prior to the filing of final plat.
- E. No commercial uses, other than those defined as Home Occupation, shall be permitted uses within the PUD.
- F. The development and construction shall follow Best Management Practices and shall minimize to the extent possible, potential impacts to County Road 117 and to adjoining property owners.
- G. The maintenance of common open space shall be the responsibility of the Sunlight View Homeowners Association.
- H. The applicant shall compensate the County for retention of an independent hydraulic engineer to review the applicant's water rights information.
- I. The tract of land to the east of the proposed PUD will be deed restricted to not allow for any further subdivision.
- J. The applicant shall better define the proposed buy down of affordable housing to meet the affordable housing requirements for a PUD, prior to approval of the PUD/Preliminary Plan by the Board of County Commissioners.

PRELIMINARY PLAN CONDITIONS OF APPROVAL FOR THE SUNLIGHT VIEW II PUD

- A. All representations made by the applicant at the public hearing and in the Application shall be considered conditions of approval, unless specified otherwise by the Board including, but not limited to, the following items listed below.
- B. The covenants will be modified to limit the size of any dwelling to a maximum of 3600 sq. ft. of living area.
- C. The applicant shall pay (50%) percent of the appropriate road impact fees at the time of final plat approval with the remaining fifty (50%) percent due at the time of issuance of a building permit. [Section 4.92].
- D. The applicant shall pay the appropriate school site acquisition fee as requested by the RE-1 School District and adopted by Garfield County at the time of final plat approval. The site acquisition fee will be based upon an appraisal of the property done within the last 24 months [Section 5:31 (H)].
- E. Within 60 days of approval, the applicant shall compensate the County for retention of an independent hydraulic engineer to review the water rights for the development.
- F. The applicant shall adhere to the recommendations contained in the letter from the Colorado State Geological Survey dated April 18, 2000.

- G. At final plat, the covenants will be modified to require residential design to comply with the recommendations contained for mitigation of expansive soils in the HP Geotech, Inc. report of January 31, 2000 [Section 4:60 (E) and 4:70 (A)].
- H. The final plat, shall include a vicinity map from the U.S. G. S. quadrangle on the final plat map indicating the entire area of the PUD [Section 4:50.E].
- I. The applicant shall post a letter of credit in an amount to be set by an engineers cost estimate to the satisfaction of the Board of County Commissioners prior to final plat.
- J. The covenants will be modified to limit the maximum size of any residential structure in the Sunlight view subdivision to 3600 sq. ft. unless an alternative residential fire protection system is approved by the Glenwood Springs Fire District prior to the submission of a building permit.
- K. All covenants shall indicate that no permanent structures, including those structures physically connected to the primary building shall be permissive outside any approved building envelope within any residential zone district within the PUD
- L. The applicant shall obtain all necessary access permits from the County Road and Bridge Department for access to County Road 109.
- M. All road design standards shall meet County Requirements and obtain County Engineer approval prior to final plat.
- N. Prior to the approval of the Preliminary Plan by the Board of County Commissioners, the applicant's engineer will provide documentation demonstrating the run-off from the development will not have any effect on the sewage treatment plant detention ponds. Additionally, the Final Plat shall include an easement off of the site to the proposed detention ponds on the northeast corner of the development, dedicated to the Sunlight View PUD Homeowners Association.
- O. The applicant shall finalize the buy down of the three (3) "affordable" units as indicated in the application and the transfer of the control of the units to the appropriate entity at time of final plat.
- P. Ownership of the water and sewer system must include the water rights for both the domestic and raw water systems, with the ownership of the raw water system controlled entirely by the Sunlight View II Homeowners Association.
- Q. The following Plat Notes shall be incorporated onto the final plat:
 - "One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."
 - "No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."
 - "All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."
 - "Site specific engineering may be required to mitigate potential hazards identified in the Preliminary Geotechnical Investigation for HP Geotech, January 31, 2000J, Job No. 100 104."
 - "All lots are limited to 500 sq. ft. of outside irrigation from the potable water system."
 - "The water supply for the raw water supply for irrigation is subject to administrative curtailment and may not be available for irrigation in certain years."
- 18. No street lighting will be allowed with the subdivision.

Applicant Comments

Attorney Larry Green, John Taufer & Associates, Inc.; Bill Lorah of Wright Water Engineering; and Louis Meyer SGM Civil Engineer were present for the applicant.

John Taufer explained the land plan and the purpose of submitting two separate site plans. Maps were submitted showing a colored system showing high density, low density and open space, and the zone district within the open space. John also explained the Site Plan that consisted of 21 low density parcels from .6 to 1 acre ; 9 med density parcels of 0.327- 0.381; open space of 4 parcels consisting of 8.194 acres; and the utility zone district 0.094 for a total of 32.010 acres.

Louis Meyer discussed Fire Flow saying two independent storage units were proposed. One for a domestic system and a series of wells up to 220 gallons that supplies flows to Sunlight View II; and a secondary fire system that supplies an 8" line that flows through the roads supplying a very dependable source of water and a backup. He stated that the secondary systems in unlimited. The first is for up to two hours. The secondary is not limited.

Bill Lorah of Wright Water Engineers explained the Atkinson Ditch saying it was a moot issue. If there is a fire, it takes precedent over any other request. Should a fire occur and no water in the ditch - the water can be put in.

Attorney for the applicant, *Larry Green* - further explained the water situation.

He also commented on information within the staff report saying the submitted PUD and Preliminary Plan review today was a continuation of Sunlight I since 1970's. Staff has accurately summed it up and it is an addition to Sunlight View I; these are the same lot sizes as in Sunlight View I and he compared the topography of the I and II and submitted Exhibit - V - Amended Plat - Sunlight View I - recorded in 1977. *Chairman Martin* noted the admitted Exhibit V for the record.

Larry Green discussed the green space and said the applicant will construct a 6' - 8' rural type bike path consisting of compacted road base. Regarding the wildlife buffer he said on the south border of the project, that a number of letters from the Division Of Wildlife (DOW) dated back to the 1997 application and there was no mention of the Elk Corridor. Now requesting a 100 - 150' buffer; the applicant maintains they have met that requirement by the placement of the building envelopes. There is an 80 to 100' and submits that it does meet the concerns with the DOW.

The Recommendations set out in the staff report, *Larry* said the applicant has no problem with most of them, some inconsistencies with some of the recommendation.

Public Input:

Charles Willman - Submitted Citizens Exhibit 1 - a compilation of information showing the tracking of Sunlight View I and Sunlight View II and the several times this has been before the Board for approval. Charlie requested the Board deny the request saying it was a revision of the past two PUD's previously denied by the Board. This is the 3rd request made by Dr. Zilm. He also claimed that this was not a PUD but rather a zoning change because a PUD requires a unique housing plan. He also raised issues of sewer and water and voiced concern regarding the current system, how those living in Sunlight I have paid in to the system all along; a 30 year antiquated system that Dr. Zilm is proposing to turn over to the homeowners without any provision to cover repairs. He asked for a condition to have Dr. Zilm put in \$50,000 for the new sewer and \$50,000 grant of money to be refunded to the homeowners to develop and make improvements. This total of \$100,000 would be for things that was not approved.

Charlie also referenced the Comprehensive Plan for Study Area I saying that Dr. Zilm and his current attorney asked for a change in density at the north end and did so because Planning & Zoning recommended. The issue of higher density was not supported by the neighbor's comments and they also wanted a credit for the sewer and water they have been paying to Dr. Zilm. This area should have lower density. He further asked that if the Board approves this today that they condition it to Dr. Zilm putting in \$100,000 to improve the Four Mile Road.

Dave Rippey - part of Sunlight View I commented that in his recollection of the prior submittals, that this is not the same plan and to call this not the same density as in Sunlight View I would be incorrect - these lots in Sunlight View II are the same. Sewer system - no problem with \$50,000 refundable but prefers to have Sunlight View I in with Sunlight View II. He and his family have lived in area since 1988 and noted that they have not had one system leak in 12 years. He said he has personally seen the installation of the pipe and it is a good system.

Open Space - utility corridor - David said he does not get taxed on this; the person being taxed has the ownership.

Four Mile Road - additional money that he doesn't have to put out personally. Has not put in a dime towards road improvements, except property taxes. And, lastly - look out over this new proposed - no problem with the density - it is the same. Requested that a plat note be included to deny a lot of street lights.

Ken Call - 0288 Van Doren Road submitted Citizens Exhibit No. 2 showing how the second subdivision was never proposed. The Zilms are making it appear as though this was always a complete planned subdivision. In a previous hearing it was established by Scott Pfiefer who researched and discovered there was no indication that there was going to be a Sunlight II. The applicant at that time stated it wasn't but that was his intention. And also looking here 20 years later is it bogus or not? At the time the 77 acres were purchased for Sunlight View, he didn't believe the applicant even owned these 33 acres; he had an option to buy but he didn't own it.

Ken spoke on issues of water, affordable housing units proposed transfer to other areas; fire fighting ability with houses closer together; and sewage treatment - it's an old plant over 25 years. He also summarized that the District Court decided that there was difference.

He summarized that a decision has already been made to vote against this unless the Commissioners can find a significant change.

Carolyn (daughter) and Jenette McCally - Stated that this area is a nice place for her kids; you don't need 35 acres to do that; and all the Zilms are doing is enlarging the original PUD.

Teresa Williams - 026 Alpine Court - Felt this was a natural extension of Sunlight View I. She wasn't familiar with the history; and she recognizes that this is property someone else owns and they are entitled to develop it.

Skip Likely - 0108 Piedmont Road - Opposed to the development. His concern is Glenwood Springs becoming another Aspen. He has been a resident on Four Mile for 32 years.

Carolyn Strautman - Has one of the largest lots of 11 acres. She said she was fortunate to have the land and overlook the hillside and the non-usable space. The meadow area is a compatible use with Spring Valley I. This is a logical development and requested covenants that address the "berms". She suggested that the development have a strong Homeowners Association who will enforce this issue.

Eric Strautman said in support of the subdivision, it is a logical development with a minimum amount of growth. The Zilms spent a lot of time and it is a well thought out plan. He complimented the Zilms for their foresight of this planning.

Dawn Williams stated that she supports this.

Debra McKenna - Stated this is the same issue that has been denied twice and upheld in Court; changes are minimal. The proposed development is not compatible to Sunlight View I and adjacent subdivisions- it's up to 5 times the density of other areas. She added that the sewer and water system is over 25 years old and Dr. Zilm is proposing that the homeowners take over the system.

Tom Lawson for John and Terry Hagland submitted a letter since they were unable to attend the Public Hearing.

Commissioner Stowe read the letter into the record. In summary they are concerned about the density issue, affect on their water supply, sewer and water, and additional traffic on CR 117. When they purchased their land, they were told that the area was limited to 2 acres density. They want the area to stay rural, otherwise had they wanted high density, they would have purchased property in Glenwood Springs. He requested the Commissioners consider the existing neighbors in making their decision.

Chairman Martin entered the submittal as Citizen's Exhibit 3.

Commissioner McCown inquired regarding the water system since the water comes from the head gate - will there be separate sets of fire hydrants? One on domestic and one of irrigation water?

Bill Zilm - Yes

Commissioner McCown also inquired about the ownership of the common area that this new line is going down?

Larry Green responded saying that Mr. Willman has raised the issue and now Commissioner McCown regarding ownership; there is a corridor of green space that runs through Sunlight View I, the existing sewer line is within that corridor. The waste water from this development will be hooking onto that corridor - attached in the application as an appendix to Exhibit H, is a title commitment from Land Title demonstrating that Mrs. Zilm is the owner of that green space. This was submitted at the invitation of the Court during the case and denial where the court said "in discussing the ownership of the green space, this has been a simple misunderstanding and suggested that a title commitment would easily resolved the doubt. Mr. Green stated they did what the court suggested and submitted it with the application.

Josh Marks suggested that Larry indicate on the plat where the title addresses this green space.

Larry Green did so.

Chairman Martin the previous finding on the green belt, under Section 2-01-28 as defining green belt. The land retained in an open or unimproved condition except for agriculture for the placement landscape, material including tree, shrubs, grasses and structures limited to foot paths, bridges, irrigation structures, erosion protection devices and underground utilities or improved park use as defined. Ownership of the land may be private with an easement or reserved for green belt use of deed restriction or it may be dedicated to the public. Designation of the green belt does not imply provisions of access by the public." He clarified that the use of the green belt would be used for the extension of utilities.

Larry Green clarified that it would be more waste water traveling through the single line and this has capacity to carry the additional units.

There will be no disruption of the green belt except where the tie is located at the end.

Commissioner Stowe posed a question to Dr. Zilm saying it was proposed regarding a \$50,000 refundable amount be forwarded by you until such time as the Homeowner's Association would be formed and refunded to you at \$5,000 a year. Until such time such as a catastrophic event or they needed a lot of funding for this sewer/water, in view of the fact that you have been collecting fees over the years, is that something you would even consider in this situation. *Commissioner Stowe* clarified that he was not talking about the \$50,000 grant, rather the refundable one.

Dr. Zilm said the present time since the City of Glenwood Springs increased their sewer and water rate, since we instituted those increased rates, we've already accumulated \$5,000 in that fund. And he added they will be accumulating, as the years go by here, until the subdivision is built out, there should be a substantial amount in the fund. If we completely rebuild the sewer plant and replace all of the components that would be about \$15,000 item. He would feel comfortable saying that a \$30,000 fund that would be going out in \$5,000 each year.

Commissioner Stowe inquired as to money Dr. Zilm was accumulating intending transfer that over to the Homeowner's Association.

Chairman Martin questioned Dr. Zilm regarding the out lots, is there a an access agreement to that particular new subdivision, Sunlight II?

Dr. Zilm - yes.

Chairman Martin - It's a dedicated easement to that lot?

Dr. Zilm - yes

Chairman Martin - Is there a dedication to possible extension of water and sewer to that lot?

Dr. Zilm said not at this time. He added that he plans to build on his wife's lot - a house for both of us.

Commissioner McCown - clarified in Larry Green, Attorney for the applicant, that in the testimony indicated that all other areas in the recommendation that they were in agreement other than those specified.

Larry Green - yes.

Commissioner McCown - asked about No. 9 on page 24 of the recommendations.

Mark Bean clarified that this was standard procedure for the applicant to post an estimated dollar amount for all requested improvements.

Commissioner McCown told Mark this was not specified.

Mark Bean agreed it needed to be more specific adding "the applicant shall post a letter of credit in the amount based on the engineer's cost estimate for all public improvements."

Chairman Martin referred to page 19, Section 4-70D regarding the setbacks, also the Board has discussed the green space on the south side - 50' and the recommendation was for 100' to 150' and move the building envelopes back. Did we adequately discuss that particular issue? Or do you feel that 50' on that open space will be enough?

Commissioner Stowe said with the envelopes it is 80'.

Commissioner McCown said it depends upon the side of the fence the Elk come through that area. With no cross spaces to impede their traffic through that area the 50' area according to the plat and with the building envelopes set back he felt there is an adequate amount of feet.

Mark Bean clarified in terms of the water rights for the domestic water supply, the Atkinson Ditch. The comments received for the Division of Natural Resources made the comment that it could be out of priority.

Larry Green said the way they were going to handle that is the staff's condition to put a plat note saying that irrigation is limited to 500 sq. ft. per unit from the potable system.

Josh Marks asked Larry Green to describe how are you going to limit this to 500' out of the potable system versus the raw water system?

Larry Green answered it was done frequently around here. You limit the hose bibs that people can put outside their house and just tell them where the limitation on the outside irrigation is and then you police it through the Homeowner's Association. There are many subdivision in Garfield County where outside irrigation is limited all together from the potable system. It basically is a matter of trust and policing.

Josh Marks asked how the developer was going to police as to the usual home builders that were probably going to install it.

Mark Bean clarified that it was policed by the Atkinson Ditch, somebody from the Division of Water Resources is going to cut off the diversion to your irrigation system so there would not be any water available.

Josh Marks indicated that someone would have to ensure that in designing your lawn watering for each individual house so that is only 500' and it seems to be a condition that someone has to oversee the transition of the developer to the Homeowners and the landscapers who are going to install these kinds of systems to ensure that it is followed through. He didn't see it adequately addressed in the covenants as to how this will be put into place.

Larry Green replied that it is typically done through a design review process and if Mr. Marks would like to see this strengthen, then he would be happy to do it.

Commissioner McCown asked if he was under the assumption that there will be two systems to each house, one being irrigation and the other would be potable where both are metered. Through metering you can easily regulate how many sq. ft. that is irrigated. When you switch it over to potable system you have to be very careful because you are cutting it narrow between potable and non potable. It will still have to go through the irrigation system.

Dr. Zilm said there would be two systems off of the non potable water.

Commissioner McCown clarified that a lot of irrigation system that hooks into the line.

Dr. Zilm said there would be two systems - non potable water.

Commissioner McCown asked, so they will not be allowed an irrigation system that hooks in a line.

Dr. Zilm replied, not to your house.

Rebuttal by the Applicant's Attorney

Larry Green said in rebuttal that he wanted to make clear that the Commissioners understand and that is with all due respect to the comments by a number of the public, this is not the same application that has before you on a couple of different occasions. There was an application before the Board in 1995 for 42 units on this parcel of property. That was denied. He suggested that the difference between 42 and 30 is significant so it makes this application very different from the one in 1995. The application in 1997 contained not only this parcel but also what we call the northerly parcel on the other side of Sunlight View I and he said the Board might remember that the reasons for denial of that application was somewhere related to a south parcel in a way that both of those issues involved the technical deficiencies for the proposed development on the northerly parcel. We tried to solve that problem by eliminating the northerly parcel from any development. This is truly the first time the Commissioners have seen this application and a findings made by the Board with regard to the previous applications are not relevant nor binding to your consideration on this one. Secondly, Mrs. Strautman's comments this is consistent with the Comprehensive Plan as it exists for this area and while some might not be happy about what the Comprehensive says, what it says is that this is designed high density residential. This is consistent with that designation and he suggested that it eliminates any concerns that there might be troubled spot zones for this Preliminary Plan and PUD.

Commissioner McCown asked if there was anyone in audience from the Homeowner's Association.

Larry Green said there is no Homeowners Association.

Commissioner McCown stated this brings up the next problem - The Homeowners Association is to be the entity that takes over the water and waste water treatment system?

Larry Green - No. Mr. Willman is correct in that there has never been a Homeowners Association for Sunlight View I. Efforts were undertaken on a couple different occasions over the years to form it. There were very strong feelings by many about how that Homeowners Association should be organized and what it should do. Those strong feelings were reconciled. What this proposal contains is that there will be a Homeowner's Association for Sunlight View II - its responsibilities will be limited to design review for Sunlight View II to maintain the roads for Sunlight View II or maintaining the open space for Sunlight View II and those kinds of typical Homeowner's Association activities. The property owners in Sunlight View I are not going to be members of that Homeowner's Association. There will be a separate entity, not a Homeowner's Association - a Utility Company - for the water, sewer covenant that is also going to be organized. It is that Company that utility who will be responsible with regard to the water and sewer system. Property owners in Sunlight View I will be invited to become members of that Water and Utility Company. If they become members then their status will be the same as property owners in Sunlight View II. The Articles of Organization for incorporation were included in the application, also provides that Sunlight View I property owner elects not to become a member, that the company must provide them with water and sewer service on an equal footing with every member of the Company. We didn't want to make Sunlight View I people become members of a Homeowner's Association that they didn't want to become a member of, nor to extend the responsibility to that association to maintain the amenities of Sunlight View

II. Therefore, this was set up as a third entity for sole responsibility to be in charge of water and sewer system.

Commissioner McCown mentioned he was hearing a request from the applicant to put X amount of dollars into a fund because it exists. That will be developed from this utility once it is formed.

Larry Green explained, when the utility infrastructure for Sunlight View II is complete all of the utility infrastructure - water and sewer - will be turned over to the Company. The Company will become responsible for billing, maintenance, repair and operation of the system. At that point in time, Dr. Zilm will turn over the funds that he has accumulated recently from operating the water and sewer system. The reality is right now that Sunlight View I has a water and sewer system that's owned and operated by Dr. Zilm and if he should get hit by a truck on Four Mile Road going home tonight, he didn't know what would happen to that system. This is a mechanism which will solve that problem because now for the first time there will be an entity which can own and operate that system and provide the service to everybody in Sunlight View I and Sunlight View II.

Commissioner McCown mentioned that entity would have the power of assessment so that if something major were to happen, every property owner in both subdivisions would be assessed fair and equitably.

Larry Green said Charlie Willman raised this issue and the Company is not going to say "if you're in Sunlight View II you pay \$.5 cents a quarter for water and sewer and Sunlight I they pay \$5,000 a quarter.

Charlie Willman said that if the Board approves this, is that the rate fee for Sunlight I and II, unless you are a member you can do an assessment against the property such as a lien. He also requested the Board make sure that entity exists before any building permits before the final plat is approved. That is not in the current conditions. In his original comments he stated that Dr. Zilm stated he was going to set the system up - they never have so he suggested some reasonable assurance that as soon as the system is there and all utilities are in place, before Dr. Zilm can sell any lots, that entity exists and we're allowed membership so they can begin to take control of the system which has a lot to do with the price of his property.

Dave Rippy asked if they can be assessed right now.

Larry Green commented that David's point is, could Dr. Zilm do an assessment. The answer is probably no but with water and sewer you have a good hammer over somebody if they don't pay their fair share.

Commissioner Stowe commented on the ones that didn't join was on equal footing with everybody else. Is there not going to be a fee to join?

Larry Green answered no. The entity is not formed yet but the Articles of Incorporation are in the application material and said they address most if not all of Charlie's concerns.

Charlie Willman said he agrees that it has not been formed but he would request the condition be added that it be formed before the final plat was approved.

Larry Green commented it would not be a problem.

Josh Marks stated that he didn't see anything in the Articles which obligate Dr. Zilm to transfer.

Larry Green stated the commitment has been made tonight to turn over everything that is there and if the Board wants a letter to that effect, we'd be happy to say that.

Commissioner Stowe said it was a representation. He added that the letter would be appropriate

Chairman Martin mentioned he wanted to get a commitment for open space for the Homeowners in Sunlight View II.

Larry Green explained his concern which focused on the issue of cost - should the 30 homes in Sunlight View II maintain this space for all in Garfield County? No, it will be privately owned and maintained.

Chairman Martin said the bike paths should be built at the cost of the City or

Larry Green - stated these will be developed internally.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

PUD Motion

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the PUD for Sunlight View II exclusive of Conditions 9 - 10.

Discussion

Chairman Martin said he made the motion to deny the last time the Zilm's were before the Board; he didn't feel it met all the criteria set forth because the density was to great.

Vote of the PUD Motion

McCown - aye; Stowe - aye; Martin - nay.

Preliminary Plan for Sunlight View II

Commissioner McCown made a motion to approve with the exclusion of #2 and changes in #5 #9 and #14 and adding No. 19 - that prior to final plat the formation of a utility company and transfer of capital funds and establishment of \$30,000 refundable at \$5,000 a year to be in place.

Commissioner Stowe seconded the motion.

Discussion

Commissioner McCown amended the motion by adding Condition No. 20 - no berms as natural architectural plan; Condition #14 the final plat shall include an easement off of the site to the proposed detention ponds on the northeast corner of the development, lot 7 & 8.

Commissioner Stowe amended his second to include No. 20 and the clarification of #14.

Vote on the Preliminary Plan Motion

Stowe - aye; McCown - aye; Martin - nay

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest:

Chairman of the Board

OCTOBER 9, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 9, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

a. Media Policy Adoption

Dale Hancock presented the policy for County.

This has been received with mixed reviews and some of the elected officials had wanted to do their own. If the Board wants the department under their purview to adhere to this, then the Board should adopt it.

Mildred knows her office and what is happening within but for the overall County she agrees that a policy is needed.

Commissioner Stowe suggested to adopt it and advise the departments and staff to follow this as closely as possible.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adopt the Media Manual and encourage all elected officials to follow it as closely as possible.

Commissioner McCown said he didn't want to see the County get into a position where elected officials make statements that affect the entire county and hope they will coordinate with County designee before making these statements.

Motion carried.

b. Henry Building - Layout

Mark Bean, Janice Louchs and Don DeFord were present for the discussion.

The floor plan was provided to the Commissioners. Space for the Clerk & Recorder appeared to have been cut according to Mildred.

Janice explained that final determination of who would be located where has not been made.

Space for the CU Extension was requested as well. The rent is \$1,000 a month.

Ed stated discussion has not occurred with the Extension Office. Space in the basement for 4H Extension kids could be used for projects.

Identify the Service Entities: Planning, Extension and Vegetation Management are being considered for space next to the Clerk & Recorder and the Treasurer's Offices.

ADA Compliance Issues - Don asked how they would accommodate handicapped employees if office space for service entities was located on 2nd floor or activities in the basement.

Discussion continued.

Janice stated that Chuck Brenner was planning to make the first level ADA with wide doors,

and ramps. Janice summarized that a walk through would be necessary and plan for nine offices on the first floor. Engineer, Board, affected Elected Officials and Mark Bean were to be included in the walk through. A time was set at 2:00 P.M. at the Henry Building Tuesday, October 10, 2000. Rick Alary and Georgia Chamberlain were to be notified of the walk-through.

c. Form 5500 - Flexible Spending

Don DeFord and Phyllis Lundy explained the situation and the Board requested this be discussed in an Executive Session.

d. Employee of the Month - Steve Hardesty

e. Four Mile Road

Tom submitted a request he had received from the work crew for the developer to be able to work on Saturdays.

He reported that everything was working well.

The Commissioners stated they didn't have any problems.

Tom requested to be advised if adverse comments were received.

f. County Road 116 and 117

First request for release of funds. Don and Janice discussed this and felt they needed to review the work and it will possibly require a week.

EXECUTIVE SESSION - Flexible Spending, Oil and Gas Litigation, and CR 116 and 117

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update.

a. Consideration Alterations: Consolidated Metropolitan District Service Plan

History and Purpose of this Alteration

Don gave a brief summary of the history and purpose saying there were previously three special districts in existence at the Battlement Mesa project. Two of them were consolidated in the Consolidated Metropolitan District in 1991. As a part of that consolidation CMD was authorized, essentially, to be a "funding" district, and finance the operations of the Battlement Mesa Metropolitan District, which actually owns and operates all of the public facilities for the benefit of Battlement Mesa. The parties entered into a "Facility Service Agreement" under which CMD charges an annual recreation assessment fee, which cannot exceed \$500,000.00 in the aggregate, or \$205 per dwelling unit, and gives the money to Battlement Mesa Metropolitan District to operate the Center.

Now, it has been agreed that CMD and the development have matured to the extent that the constituents of CMD ought to, in addition to funding and using the Activity Center and the programs offered there, have direct oversight over both. The change in functions of CMD Does, however, represent a departure from past practice, as a technical matter, and thus an Amendment is required.

The Battlement Mesa Water & Sanitation District and the Saddleback Metropolitan District consolidated to form the Consolidated Metropolitan District. The Garfield County Board of Commissioners approved the Consolidated Service Plan for the District in 1991 and the Districts were consolidated by Order of the District Court in and for Garfield County. The main purpose of the District has been to provide the financial resources necessary for the construction, operation and maintenance of potable water, sanitary sewer and storm sewer drainage and recreational facilities and services for the benefit of the properties and residents of the District.

Under the Plan, as originally approved and to date, the actual provision of the recreation facilities and services has been via a Facilities Service Agreement by and between the District and the Battlement Mesa

Metropolitan District. The main purpose of this Amendment is to document the assumption by the District of the direct control of the operation and maintenance of the Battlement Mesa Activity Center, and to assume the direct collection and expenditure by the District of the same fees and charges as are currently assessed to fund these activities. Water and sewer services shall continue to be provided as before by Battlement Mesa Metropolitan District.

Don explained that the Board was submitted the First Amendment to Service Plan that was prepared by Grimshaw & Harring, P.C. which basically was a determination to be in the best interest of the District to amend its service plan in order to document the decision of the District to acquire the Battlement Mesa Activity Center and premises; to terminate the Facilities Service Agreement with Battlement Mesa Metropolitan District; to disclose the District's intentions to continue the implementation of recreation impact and user fees to be used for debt service, Activity Center purchase, operations, maintenance, and capital; and to disclose the District's intention to issue revenue or other non-tax supported debt to pay for the purchase of the Activity Center or other future projects consistent with the park and recreation uses allowed in its Service Plan.

Don explained that an independent ballot was going before those electors in the District.

Action: Substantial or Insubstantial

Substantial would require a Public Hearing.

Insubstantial would require a motion to approve.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Service Plan Amendment and direct staff to prepare a Resolution; carried.

COMMISSIONER REPORT

The following activities, meetings, and other information was provided by:

Commissioner Stowe - Wed. Human Services - Eagle

Commissioner McCown - No report

Chairman Martin - Joint meeting with City of Glenwood at 7:00 A.M

Agenda Items for the Joint Meeting:

Intersection CR 116 & CR 117

Regional Sewer Plant

Update on Midland Avenue

Budget Meetings - Continued Friday at 9:00 A.M.

Cleanup I-70 on Saturday

CONSENT AGENDA

a. Approve Bills

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to pay the bills; carried.

b. Sign Resolution for Powerline Professional Park Preliminary Plan

c. Sign Final Plat & Subdivision Improvements Agreement for the Ranch Creek Planned Unit Development

d. Approve Extension of 90 Days for Recording the Area II, Oak Meadows Filing 4, Oak Meadows Ranch

e. Sign Resolution for Dust-N-Sage Special Use Permit for a Kennel

f. Sign Resolution for Glenwood Springs Gun Club Special Use Permit for Shooting Range Facility

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items b - f; carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

CARBONDALE TRAILS AND RIVER COMMISSION PRESENTATION - BRUCE CHRISTIANSEN

Bruce Christiansen, Barney Mulligan, and Bob Lucas

Bruce said the Carbondale Trails Group has asked Glenwood Springs to join in the task of having a trail - separated trail of Aspen Glen - 2nd - 109 Improvements and the lack of a shoulder. Discussion had been made to have a wider shoulder.

Bob Lucas mentioned the need for a bike path on 109 with a shoulder. Coryell Ranch put in a beautiful bike path about 10 feet wide. Aspen Glen hasn't done anything on their commitment. County Road 109 was to have a wider shoulder so individuals walking or riding bikes were somewhat protected from the traffic. Bob submitted some photos of CR 109. On one side there was no shoulder and the other is 2' paved area on the shoulder. He didn't believe this was safe. Barney said a three wide bike was on the path and barely cleared the roadway.

Chairman Martin mentioned that Aspen Glen was to do this and Building and Planning was addressing this. Bruce Christiansen - 4' wide on the shoulder but in areas that were narrow would be less.

Bob Lucas mentioned that 3' would be better but 2' is unacceptable and unsafe.

Bruce Christensen mentioned to have a Road and Bridge staff to go out and do a review; also some signage on the road on blind curves.

John Hoffman, Carbondale Trails Committee - A short portion owned by Sue Rogers is a narrow part and an easement would need to be acquired.

Bruce added that one thing that has worked, when someone develops, they make it a condition of approval to allow for a bike path. This is one way the County could help. Access to trails enhance property values. The location of the Prehm Ranch is void of a trail. To be able to access Glenwood Springs and Carbondale would be valuable asset to those who want to use a trail other than the highway to get to and from.

Commissioner Stowe suggested the Trails Group jointly address the issue of an easement with Sue Rogers. The County supports the idea but does not want to get into the business of building trails.

Barney - CR 106 and CR 109 connect; could a trail be built along there?

Commissioner Stowe mentioned if the County owns the right-of-way and the plan doesn't interfere with future County development.

Barney - Sutank Bridge that was closed was land owned by County - need an easement under the Cardiff Bridge for Glenwood Springs.

Chairman Martin suggested working through the Planning Office and the Trails Committee should state their needs and then the staff will bring this to the Commissioners.

BUILDING & PLANNING ISSUES: PUBLIC HEARINGS

AMENDMENTS OF THE GARFIELD COUNTY SUBDIVISION REGULATIONS TO ADD THE RURAL LANDS DEVELOPMENT OPTION

Don DeFord and Mark Bean were present.

Don questioned Mark as to notification and determined that it was timely and in order; therefore he advised the Board they could proceed.

Chairman Martin swore in the speakers.

Mark presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Draft Option - Development; and Exhibit C - Project Information and Attachments - Amended Draft; statutes that address the option.

Chairman Martin admitted Exhibits A - C into the record.

Mark indicated that last fall, the Carbondale Agricultural Heritage Fund suggested that Garfield County develop a "Agricultural Cluster Development Ordinance", to provide large land owners another option to the splitting of their property into 35 acre tracts. The Board authorized staff to work with a committee interested in the development of a regulation to provide an alternative to the development of large land holdings. In May of this year, the Agricultural Cluster Development Task Force presented a proposed regulation to the Board of County Commissioner and Planning Commission at a joint work session. After that meeting, the Board referred the proposal to the Planning Commission for a formal recommendation. Mark added that the Task Force recommendation is a two step process that requires the applicant to submit an application for review by the Planning Commission and final approval of the Board of County Commissioners on a consent agenda. An applicant is required to have a pre-application conference with the County Planning Department staff prior to submitting an application. A request may be made for any tract of land that is at least 70 acres in size, with a maximum of 42 lots that can be created through the process. An applicant qualifies for one (1) lot for every 35 acre tract that could be created from the tract;

one additional tract for each 100 acres included in the application; one (1) bonus tract for just going through the process; and any lots that would be eligible for the subdivision exemption process. At least 80% of the original tract must be put into "Development Restriction" (conservation easement) for at least 40 years. A submittal is reviewed based upon design guidelines addressing agriculture, infrastructure, rivers, wetlands, riparian areas, visual values, wildlife, geology, fire, flood and slope hazards. If a proposal is approved, all conditions of approval must be met with 90 days and a compliance package submitted for recording by the County Clerk and Recorder.

Section 30-28-101 - addressed the discretionary authority of the Board that could provide an alternative to the typical 35 acre subdivision.

RECOMMENDATION:

The Planning Commission recommended approval of the regulations proposed by staff, written in a format consistent with the Garfield County Subdivision Regulations.

Victoria Gionalla was instrumental in the draft regulations and was present today.

Commissioner McCown inquired as to the language in the SB 35.

Mark Bean responded that it follows the same noticing in the exemption process. (p 14).

Don DeFord - page 8 par c should also provide the phrase for the benefit of a 3rd party. They would hold and enforce the agreement.

Discussion

Victoria thanked the task force - 44 members who participated throughout the meetings or through the mail. This task force was comprised of all facets of the communities from Parachute to Carbondale. She said it would not have happened unless everyone worked on it.

Mark Bean thanked the task force that met every two weeks for quite awhile.

Shannon Meyer - thanked the Planning Staff for the work they have done. It is an excellent option but get some money by developing small amounts of their land. If there is an ag cluster, and the growth amendment passes, these individuals would have an option.

Mark said this is one of the exceptions mentioned in Amendment 24.

Commissioner McCown questioned if there was a need to break a lease what could be done?

Don stated if it was necessary, the power of condemnation is available and the Board could implement this.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Amendment to the Garfield County Subdivision Regulations to add the Rural Lands Development Option as recommendation by staff and included notations by County Attorney Don DeFord..

Motion carried.

REQUEST FOR APPROVAL OF AN ACCESSORY DWELLING UNIT AND FLOOD PLAIN SPECIAL USE PERMIT: LOCATED: PARCEL OF LAND SITUATED IN LOTS 9, 10, 19 & 19 OF SECTION 32,T75,R87W. APPLICANT: JOHN W. FISH

Don DeFord, Greg Butler, John W. Fish and Joseph Edward were present.

Don reviewed the applicant's submittals on notification and posting. A determination was made that these were timely and in order and the Commissioners were entitled to proceed.

Chairman Martin swore in the speakers.

Greg submitted the following Exhibits: Exhibit A - Green and White returned receipts; Exhibit B - Proof of Publication; Exhibit C - Application and attachments; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; and Exhibit E Project Information and Staff Comments.

Chairman Martin entered Exhibits A -E into the record.

Exhibit F - Jim Duke' Letter was also entered.

Greg presented a summary of the staff report saying this is a request for a Special Use Permit for an Accessory Dwelling Unit by John Fish represented by Joseph Edwards and Associates located at 0204 Flying fish Road in Carbondale. County Road 100 is the direct access to the property.

Gregg mentioned Section 6.09 Flood Plain Regulation. Wright Water Engineers, Inc. has conducted a study of this site and has made the following conclusions: The proposed structures would result in a minor increase in water surface elevation and velocity adjacent to the structures. Gregg read into the record the Permissible Uses and Performance Standards.

Recommendation:

Staff recommends **APPROVAL**, with the following conditions:

A. Disclaimer of Liability:

The degree of flood protection required and intended to be provided by this Regulation is considered to be reasonable for the protection of life and property and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes. This Regulation does not imply that areas outside the designated flood plain or land use permitted within such floodplains will be free of flooding or flood damages. This Regulation shall not create liability on the part of the County or any officer or employee thereof for flood damages that result from reliance on this Regulation or any administrative decision lawfully made hereunder.

- B. The applicant will follow the recommendations set forth by the Hepworth-Pawlak Subsoil Study for Foundation Design (job number 198 578, dated 098/16/1998).
- C. The Construction of this proposal will comply with all relevant County Building Codes.
- D. Should the applicant decide to replace or substantially improve the existing ISDS system the recommendations and design criteria outlined by the Sopris Engineering will be followed (SE job number 98099.01 dated 01/06/1999).
- E. The applicant must comply with the conditions set forth by the US Army Corp of Engineers in their letter dated 12/08/1998.

John Fish said the architect and engineers did a good job of putting this together.

A motion was made to close the Public Hearing by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit for an Accessory Dwelling Unit for John W. Fish with the 6 recommendations by staff and add condition No. 7 - the testimony and all representations made by the applicant - especially to reiterate that the lower floor cannot be less than 1' above water level.

Vote on the Motion

Motion carried.

**REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TWO FAMILY DWELLING UNIT:
LOCATED 0080 DONEGAN ROAD, GLENWOOD SPRINGS CO. APPLICANT: STEVE
WELLER**

Don DeFord, Gregg Butler and Stephen F. Weller were present.

Don reviewed the applicant's submittals on notification and posting.

Steve Weller submitted the date of publication 9/22/00 published in the Glenwood Post #31532.

He also stated he had mailed notifications to the list according to the Assessor's Records. Returned Receipts were submitted.

Don DeFord said a determination was made that these were timely and in order and the Commissioners were entitled to proceed.

Chairman Martin swore in the speakers.

Gregg presented the following Exhibits: Exhibit B - Green and White returned receipts; Exhibit A - Proof of Publication; Exhibit C - Application and attachments; Exhibit E - Project Information and Staff Comments; Exhibit D - Garfield County Zoning Resolution of 1978 as amended; Exhibit F and G - Concerned Property Owners from Jacobson and Metzler.

Chairman Martin entered Exhibits A - G into the record.

Gregg reviewed the staff report saying this is a request for a Special Use Permit for a Two-Family Dwelling Unit on the site of the amended Wisch Exemption in West Glenwood with direct access off Donegan Road, CR 130.

The applicant is seeking permission to turn his basement into a mother-in-law apartment, i.e. a two family dwelling unit. Because this is a basement and an elderly person will be housed here, the question of safety is extremely important. The applicant has stated that the water table for this area is low and the basement has never flooded. Also, there are two ingress/egress points to this basement unit, one external and one internal.

Recommendation:

Staff recommends **APPROVAL** with the following condition:

1. All work, interior or exterior will conform to the Safety and Building Codes of Garfield County.

Steve Weller mentioned this would be for family use only. He will be adding a couple of walls and a kitchen. The cost might be \$2,000 to \$2,500.

Public Input

Jim Huff testified that his house is located just south and these two dwellings share the same driveway. No problem for his mother-in-law. This permit says for a two-family dwelling, therefore if he sells this there is no protection for the existing neighbors and himself as to who and how many would be living in the 2 family dwelling. Therefore, he is against the request.

Steve Weller said he understands Jim's concern. His property is huge and has a 6' fence around the basement area. It is a what-if situation and with the unit being in the basement would not create a noise factor.

Jim is concerned that this is forever and wishes it could be a mother-in-law apartment only.

Steve commented that this is a 6 bedroom house and can house more people. The apt that would go downstairs, his master bedroom is directly above.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Stowe; carried.

Commissioner Stowe asked what constitutes a kitchen.

Mark stated that this is standard whenever there is a second unit with a kitchen, it automatically places the residence as a 2-family unit; the provision stay with the property owner and if he sells, it would be a duplex.

Steve inquired as to a what-if-condition of revocation if the property is sold.

Don DeFord answered that you can do that, but the problem is enforcement. Upon sale of the property, the Special Use Permit would have to come back to the Board. Similar issues - request use by a family member but the enforcement is the issue. Creates a dilemma.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to deny the request for a Special Use Permit.

Vote on the Motion

Stowe - aye; Martin - aye; McCown - aye.

Motion carried.

Stephen Weller mentioned that he was very disappointed in the vote here. It is a real shame that the County does not have a way that individuals can help their family members.

PUBLIC MEETING:

REQUEST FOR APPROVAL: ASPEN GLEN AMENDED PLAT. LOCATED: LOT B, ASPEN GLEN, FILING 1. APPLICANT: CULPEPPER LAND AND CATTLE COMPANY

Don DeFord, Jeff Laurien and Mike Elkins were present

Jeff stated this is a request for a Plat Amendment to adjust a building envelope made by Culpepper Land and Cattle Company on Lot B-9, Aspen Glen, Filing I. The vacant lot has an approximate acreage of 2.441 acres with access off Blue Heron Road.

The amendment would increase the size of the building envelope by adding an additional section approximately eighteen feet (18') by one hundred six feet (106') on the western boundary of the current building envelope as depicted in the submitted amended plat.

Recommendation:

Staff recommends **APPROVAL** of the applied for Amended Plat with the following conditions:

- A. Prior to any development of the property within the 100 year floodplain, as depicted on the submitted map, the property owner must obtain a Floodplain Special Use Permit, as per Section 6:00 of the Garfield County Zoning Resolution.
- B. A plat note must be placed on any Amended Plat for recording which states, "Prior to any development on Lot B-09, within the 100 year floodplain as depicted on the map, the property owner of Lot B-09 must obtain a Floodplain Special Use Permit, as per Section 6:00 of the Garfield County Zoning Resolution."

Mike Elkins asked about a Special Use Permit.

Jeff mentioned as long as it is not outside of the permitted floodplain there would be need for a SUP.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a Plat Amendment to adjust a building envelope for Culpepper Land and Cattle Company with the 2 recommendations made by staff; motion carried.

Rose Ranch - Disbursement Agreement

Ronald Jacobs and Tim Thulson stated they should receive the letter of credit later this week. Tim requested to extend the Disbursement Agreement indefinitely and it is fixed on the date we receive the credit and then the entire \$6.8 million dollars will be dispersed. The Treasurer is collecting interest.

Tim Thulson - state of flux between Roaring Fork Investments and Lemon Brothers. Lemon's hands are tied. The interest is about \$1,000 a day for the County.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to proceed with the extension and authorized the Chair to sign it if Georgia Chamberlain, Treasurer, is in agreement. Motion carried.

Recess

A motion was made by Commissioner McCown and seconded by Commissioner Martin to recess until 7:00 A.M. Tuesday morning with the Joint City County Meeting October 10, 2000; carried.

Attest:

Chairman of the Board

OCTOBER 13, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 8:00 A.M. on Friday, October 13, 2000 with Chairman John Martin and Commissioners Walt Stowe were present. Also present were County Administrator Ed Green; Sheriff Tom Dalessandri; Operations Dale Hancock; Human Services Director Margaret Long; Road and Bridge Tom Russell and Marvin Stevens; and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 9:00 A.M.

Budget - 2001

Ed Green, Jesse Smith presented the budget.

ISSUES RELATED TO ALL FUNDS

Revenues down 2.8 million

- No major FAA grants or Energy Impact Grants
- No Capital Infusions this year for Jail
- Reduction in COPS Interest Income

Jail Costs

- Construction
- Operation

4.5% Salary increase which addresses

- Performance
- Market Equity

.5% Increase in Retirement Benefit

Impact of Amendment 21

GENERAL FUND ISSUES

Ed Green commented that the County will begin the year with \$3.7 million and is expected to take in \$13 million in revenues, and spend \$13.8 million with most of that going for staffing and other jail startup costs. Some of the jail costs will be offset by an anticipated \$58,000 in new revenues coming in from Immigration and Naturalization Service for prisoners housed in the new facility along with cells open on a continuing basis for INS prisoners and another 10 cells open for prisoners from other towns, meaning when the 192 bed facility opens in October 2001, it will almost be at capacity from the start.

Jail Startup

- Significant increase in utilities in 2002
- 16.5 Net FTE by 2002
- 500 K Net Impact in 2001
- Additional 225K impact in 2002

4 FTE for Sheriff's Administration & Patrol

1 FTE for increased traffic for Clerk and Recorder at Rifle Office

1 FTE for Assessor

.4 FTE addition for Shared Clerical Resource

1.1 FTE increase for Healthy Beginnings

.3 FTE for Extension

\$450,000 Vacancy savings projected for but not reflected in current balance

ROAD AND BRIDGE FUND ISSUES

Emphasis on Maintenance

Ed Green commented that the 2001 budget will be mostly a maintenance year for Road and Bridge.

Consolidation of Three Budgets into One

Capital Requirements

- 155K for "Snuffy" Truck Asphalt patching truck
- 80K for Mower
- Deletion of Pickups

Consolidated Road and Bridge Facility

- 220K for Cattle Creek Facility
- 180K for Site Prep for Airport Land

Ed said the Road and Bridge current site near the Glenwood Springs Bolitho Elementary School will be sold.

200K for Clean up of Rifle Facility

Proposed Projects List - 2001

- Piceance Creek - CR 253 - \$3,360.00
- CR 116/117 Intersection - \$155,000.00
- CB Tracts - \$280,000.00
 - Warehouse remove and relocated to Cattle Creek Pit
 - Utilities
 - 25 x 40 office
- Roan Creek CR 204 - \$15,000
 - Replace (2) culverts
- Airport Site - \$180,500.00
 - Engineering design - \$30,000
 - Culvert - \$2,200
 - Utilities (Phase 1) - \$100,000
 - Gravel and sub grade - \$48,300
- Black Diamond Bridge CR 126 - \$14,000
 - Relocate bridge with culvert
- CR 117 (Four Mile) Rock - \$20,000
 - Engineering
- CR 109 - Hardwick Road - \$35,000
 - Road rebuild - engineering - \$25,000
 - Road rebuild - soil testing - \$10,000
- Rifle Fuel Clean up - \$200,000.00
- Jenkins Cutoff CR 336 - \$6,800.00
 - Culvert and 287 ton of 1 1/2 road base
- Cattle Creek CR 113 - \$2,260.00
 - Drainage
 - Rebuilding drainage
- South Canyon CR 134 - \$15,000
 - Asphalt/Culvert align
- Sweetwater CR 150 - \$7,350.00
 - Culvert
 - Widen road
- CR 121 - \$5,000
 - 6' x 60' culvert replacement
- CR 115 Spring Valley
 - Gravel - \$2,000
 - R.O.W. - \$40,000
 - Surveying - \$2,000
- CR 129 No Name - \$2,700
 - Repair concrete bridge rail
- CR 103 Crystal Springs - \$63,000
 - Gravel - \$27,000

- Chip seal - \$24,000
- Drainage - \$5,000
- Engineering & R.O.W. \$5,000
- Fence Adjustments - \$2,000
- CR 320 - \$52,500.00
 - 3/10 asphalt - \$30,000
 - Driveway aprons - \$2,500
 - Gravel/sub gravel (00-0.30) - \$10,000
 - Reclaim - \$10,000
- Maintenance Work - Gravel/Chip Seal/Fog Seal/Crack Seal - \$662,751.00

Includes work on: CR 100; CR 102; CR 103; CR 108; CR 117; CR 149; CR 210; CR 225; CR 227; CR 227; CR 240; CR 261; CR 264; CR 300; CR 301; CR 320;; CR 327; CR 371; and CR 374

Gravel Maintenance - \$245,225.00

- Includes work on: CR 104; CR 105; CR 115; CR 119; CR 127; CR 151; CR 163; CR 201; CR 217; CR 243; CR 252; CR 291; CR 300; CR 301; CR 312; CR 313; CR 314; CR 470; CR 471; and CR 472.

(Some roads will receive magnesium chloride)

Mag Chloride Maintenance - \$188,374.69

(Some roads will receive new gravel)

- Includes work on: CR 107; CR 110; CR 113; CR 114; CR 115; CR 122; CR 125; CR 126; CR 134; CR 150; CR 153; CR 201; CR 204; CR 217; CR 236; CR 241; CR 243; CR 245; CR 246A; CR 251; CR 252; CR 261; CR 291; CR 297; CR 300; CR 301; CR 311; CR 312; CR 316; CR 319; CR 320; CR 321; CR 324; CR 324; CR 326; CR 327; and CR 331.

- Fill in private payees 21120 sq. yd. - \$3,43.00

- Shop 2000 sq. yd. - \$300.00

Asphalt Paving - \$139,390.00

CR 227; CR 264; CR 293; and CR 294

- Projects not allocated in budget - \$899,022.00

CR 352 - Airport road realign; CR 215 - Parachute Creek dips; CR 229 - Ukele Lane widen; CR 115/121 - Spring Valley realign; West Glenwood - engineering; GAR 324 - Maxfield bridge; CR 100 - Catherine Store re-pave; CR 114 - College road asphalt; CR 160 - Cardiff asphalt, gravel; Stephen's Hill - Chip Seal; and Maintenance Chip seal CR 311.

CAPITAL FUND ISSUES

Vehicles for Sheriff's Patrol

- \$309,243 for 11 vehicles
- SUV's to Sedans

1 Vehicles for District Attorney

#310,000 for Road and Bridge (Snuffy Truck & Mower)

\$50,000 for Airport Capital Equipment

\$660,000 for 3 vehicles in Motor Pool

\$350,000 for Henry Building Upgrade

\$50,000 for ADA upgrades

\$25,000 of Equipment for New Jail

\$25,000 of radios and misc. equipment for patrol

\$15,000 for Equipment for Landfill

PUBLIC WORKS (JAIL) ISSUES

Flow of Funds to Project

- COPS Revenue
 - Construction Fund
 - Debt Service Fund

- County Capital Fund Account

Contingency

- New of \$28,000 in Changes to Date
- Debt Service in 2001 and beyond
 - Covered for 2001
 - \$960,000 per year beginning in 2002

AIRPORT FUND ISSUES

- Snow Plow - \$15,000
 - Majority is FAA Funded
- Fire Truck - Lease to Own
- Gang Mower - \$12,000
 - Share Tractor with Road and Bridge
- Ramp Seal Cost - \$10,000
 - Majority is State funded
- T-Hanger Construction
 - Fully funded by Contractor
- Self Sufficiency
- Preparation for big projects on the six year CIP

SOCIAL SERVICES FUND ISSUES

TANF funds relieve general fund requirements again in 2001

Staff additions

- 3.5 new FTE, plus replacements
 - small impact on County funds
- Minimal (2%) increase in County dollars spent

LIBRARY FUND ISSUES

- .45 FTE increase
- \$11,000 for replacement of Microfilm Reader
- \$42,000 in facility improvements
 - Painting
 - Carpeting
 - Air Conditioning

LANDFILL ISSUES

- .25 FTE increase - Gatekeeper
 - Financial assurance accomplished for closure and post-closure
 - Need to payback \$500,000 to general fund
 - Defer Equipment upgrades
 - Grizzly
 - Loader
- Need to open new cell in 2005

POSSIBLE IMPACT OF AMENDMENT 21 ON THE BUDGET (IF IT PASSES NOVEMBER 7, 2000)

Ed Green summarized that if Amendment 21 passes on the ballot in the General Election on November 7, 2000 that it could take \$1,124,393 out of the 2001 cash flow and that the first option if this occurred would be to freeze salaries and retirement benefits.

SUMMARY

- Revenues down 2.8 million
 - Airport FAA/State Grants
 - Capital Fund and Interest
- Dramatic increase in cost to operate jail
- Increased costs for Sheriff's Patrol and Administration
- Concern regarding General Fund Balance in 2002

The budget analysis for 2001 of all funds showing \$22.4 million.

A date of November 13, 2000 at 10:30 A.M. was set for a Public Hearing on the Budget in a motion made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair; carried.

Adjourn

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to adjourn; carried.

Attest:

Chairman of the Board

OCTOBER 16, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 16, 2000 with Chairman John Martin and Commissioners Walt Stowe and Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Jeannie Long, 1950 County Road 311, New Castle - presented a concern for a log home manufacturing operation - the Blue Ox Log Crafters - that has moved equipment to begin work on a parcel of land yet to be approved for a Special Use Permit by the County.

Chairman Martin and Mark Bean explained that the County was aware of this violation, and Steve Hackett, the Code Enforcement Officer was working with County Attorney Jim Leuthueser on the legal ramifications.

Frederick Locke was also present and noted that there are no rest room facilities on the site and this was very disturbing to him.

Chairman Martin assured Jeannie and Frederick that they would keep them abreast of the ongoing process to cure the misuse of the regulations of the Building and Planning Department.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

a. *Multi-Use Network for a Statewide Telecommunications Infrastructure*

Marureen Floran - Glenwood Springs presented the State of Colorado Commission on Information Management, Multi-use Network Task Force for the Strategic Plan for Statewide Telecommunications Infrastructure.

This is a Colorado high speed digital network that will be a common network with common standards and a readiness for County Government. There will be four super ANAPS, ties to the Front Range GIGAPOP; more robust infrastructure in rural Colorado and complete in the year 2003.

The primary mechanism to accomplish this goal is the report's recommendation to establish a backbone of Aggregated Network Access Points (ANAO) in each County seat. The proposed technology for the network will be Asynchronous Transfer Mode (ATM). ATM allows voice, video, and data to be carried over the same circuit and can operate over fiber or low speed lines. Once a site is connected to an ATM cloud it has access to all other sites within the cloud.

The ANAP will aggregate traffic from multiple state offices to the County to a common point. In addition to state traffic, local agencies and businesses will also be able to connect to the State ANAP. To provide the connection to the ANAP, local agencies will need to aggregate their network traffic to create enough demand to offset the cost of providing these linkages.

To assist communities in connecting to the local ANAP, the State has established a Community Incentive Fund. The program provides planning grants to develop network plans and provides implementation funding to subsidize connection cost for the first two years.

Dale Hancock is the contact person.

The cost is \$13,000.

b. *Award Motorola Contract: Jail Communication System*

Tim Arnett, Bob Scott from Motorola and Sheriff Tom Dalessandri were present.

Tom explained the necessity of putting this system into the new Detention Center. Motorola Engineering, through its State of Colorado Award provided recommendations regarding communications in and around the new jail facility. It was deemed necessary to have access to the communication system from a dispatch

location in the first floor control room of the facility. It was also important the jail personnel communicate with other local public safety agencies from this dispatch. At first design it was not known that 911 would be eliminating the telephone line to Lookout Mountain. Due to this change, a redesign was needed. That jumped the price from \$103,000.00 to \$106,839.00. A Motorola Command Plus 4 Channel console was added to accommodate the loss of the telephone line.

This is phase II according the Tim Arnett. Motorola had previously designed the system.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the contract for \$106,839.00; carried..

ATTORNEY'S UPDATE

Don DeFord gave his update.

There was not other information to discuss other than the need for an Executive Session.

EXECUTIVE SESSION - Oil and Gas and Town of Silt Litigation - Support Contract

A motion was made by Commissioner Stowe and seconded by seconded by Chairman Martin who stepped down as Chair to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by seconded by Chairman Martin who stepped down as Chair to come out of Executive Session; carried.

COMMISSIONER REPORT

Chairman Martin - October 18, Wednesday. The Commissioners are invited to attend the dedication of the new trail along CR 106. The event will be held at the Rocky Mountain School in Carbondale.

October 25, Ongoing Committee for the Mountain Corridor for C-DOT - Rocky Mountain Village by Empire.

October 17, Senior Center - Dedication of the addition of a new elevator - Rifle - The senior that gathered the most cans, obtained contributions, etc. will be named at 11:00 a.m. and a plaque will be placed with that individuals name at the 1st and 2nd floor.

Animal Rescue - Chairman Martin informed the Board that a presentation of the CARE has been request to consider as a contract for the control and housing of animals in Garfield County for a \$36,000 contribution. This request will be discussed during budget hearings.

CONSENT AGENDA

a. Approve Bills

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the bills; carried.

b. Sign Amended Plat: Saddleback Village Filing No. 1

c. Sign Resolution: Approval of a Preliminary Plan for the Sunlight View II Planned Unit Development

d. Sign Resolution: Amendment of "Subdivision Regulations of Garfield County, Colorado of 1984", adding Sections 8:70 through 8:83, Rural Land Development Exemption Option

e. Sign Resolution: Approval of the Sunlight View II Planned Unit Development Plan and Text

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the consent agenda items b - e; carried.

REGULAR AGENDA - BUILDING & PLANNING ISSUES: PUBLIC HEARINGS/PUBLIC MEETINGS:

PUBLIC HEARINGS:

REQUEST FOR APPROVAL OF SIGNATURE AND VESTING OF CERISE RANCH FINAL PLAT

Jim Leuthueser, Tim Thulson, Jeff Laurien, Art Klingstein and Mark Bean were present.

Jim Leuthueser reviewed the noticing with Tim Thulson, Attorney for the Cerise Ranch and determined it was in order and advised the Commissioners they were entitled to proceed.

Tim mentioned they were not posting security.

Chairman Martin swore in the speakers.

Jeff submitted the following Exhibits: Exhibit A - Noticing for the Vesting Portion of this hearing.

Chairman Martin admitted Exhibit A.

Jeff noted for the record that all the documents were in order and recommended the Board sign the Final Plat.

The vesting was explained by Tim Thulson saying Phase I will vest for a period of 3 years.

Two documents were presented - the SIA and Final Plat.

Jim Leuthueser noted that the letter of credit was not submitted and the homeowners agreement needed signatures.

Tim Thulson stated that the fire district and school impact fees will be paid at the time of signing the plat. Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to close the Public Hearing; carried.

Commissioner Stowe and Chairman Martin who stepped down as Chair seconded the motion to approve the vesting for the Cerise Ranch and the signing of the final plat by the Chair; carried.

PUBLIC MEETINGS:

REVIEW OF A SITE APPLICATION FOR A WASTE WATER TREATMENT FACILITY: TOWN OF SILT

Mark Bean, Janice Steinback, Susan Sands, and SCM - Louis Meyer were present.

Mark reminded the Board that two actions would be necessary - the County Commissioners and the Board of Health.

Mark submitted this is a review of the Town of Silt Site Application for construction of a sewage treatment works facility.

The Town of Silt is proposing to replace the existing discharging sewage treatment facility with a newer and larger facility at a location approximately a quarter mile west of the existing treatment facility. The existing facility is an aerated stabilization pond, designed for a 30-day average daily flow of 0.236 MGD. This facility has had various operational problems over the past few years, which has resulted in the town being cited for water quality discharge violation by the Colorado Department of Health and Environment (EDPHE). So the applicants have investigated other treatment alternatives.

The system selected by the staff assigned to make the determination as to the best system for Silt was the Areo-Mod system for a cost of \$3.32 million for a 750,000 gpd plant.

Conclusion:

The Board of County Commissioners and Board of Health recommended approval of the proposed site application for the construction of new sewage treatment works, as proposed.

Louis Meyer gave the review for the Town of Silt stating that Stillwater was going in financially with the Town of Silt in this new facility.

Board of County Commissioners

A motion was made by Commissioner Stowe and Chairman Martin who stepped down as Chair to second the motion to approve the Town of Silt Site Application for construction of a sewage treatment works and authorize the Chair to sign; carried.

Board of Health

A motion was made by Commissioner Stowe and seconded by seconded by Chairman Martin who stepped down as Chair to go into the Board of Health and authorize the Chairman of the Board of Health to approve the Town of Silt Site Application for construction of a sewage treatment facility; carried.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to go out of the Board of Health; carried.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to second the motion to go into the Board of Health; carried.

BOARD OF HEALTH

No report was available.

HUMAN SERVICES COMMISSION

A motion was made by Commissioner Stowe and seconded by seconded by Chairman Martin who stepped down as Chair to come out of the Board of Health and go into the Board of Social Services; carried.

Adjourn

Commissioner Stowe made a motion to adjourn and Chairman Martin, who stepped down as Chair to seconded; carried.

Attest:

Chairman of the Board

OCTOBER 23, 2000

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Meeting of the Board of County Commissioners was held on Monday, October 23, 2000 at 2:00 P.M. with Chairman Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green, County Attorney Don DeFord, Administrator Jesse Smith and Clerk & Recorder Mildred Alsdorf.

Agenda Items included:

Consideration of Construction Permit for 4-Mile Road.

Attorney Lee Leavenworth, High Country Engineering Joe Hope, and County Engineer Janice Loucks were present.

The developers of Four Mile Ranch came before the Board to request more time for completion on the 4-Mile Road Construction. The original date was November 3, 2000. Now, they anticipated mid-November to be the date of completion.

The Commissioners were deeply concerned for the residents having to contend with long traffic lines, waits and detours for several more weeks than they thought.

The Commissioners, after listening to all the reasons for the delay, stated that November 17, 2000 was the absolute drop dead date for them.

The Commissioners said they will possible insist on the 10 foot retaining wall despite the County Engineer Janice Loucks objection.

Joe Hope indicated that the re-grading of 4-Mile Road and establishing the retaining wall would be finished this Fall. The installation of the sewer system will be delayed until next Spring 2001.

It was also stressed by the Commissioners that in case the road re-grading and laying of the 2 inch asphalt was not completed by the drop dead date of November 17, then the workers will chip and seal the road.

Consideration of Software Agreement for Custom Computer Software Systems.

Jesse Smith presented a software agreement from Custom Computer Software Systems.

No decision was made by the Commissioners.

Adjourn

A motion to adjourn was made by Commissioner Stowe and seconded by Commissioner McCown; carried.

Attest:

Chairman of the Board

NOVEMBER 13, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 13, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

EMPLOYEE OF THE MONTH

Jim Head, Equipment Operator at Silt Road & Bridge, was recognized as November Employee of the Month. He was recognized as a dedicated employee who is positive in the face of adverse weather and work conditions.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Jail - Evercom Telephone System

Sheriff Tom Dalessandri, Don DeFord and Dan Hall discussed the inmate pay and telephone matters. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the telephone inmate system (Evercom) with a one year and four year renewal contract. Motion carried.

Jail - Video Visitation System

Tim Arnett, Dan Hall, Les Beckman, Randy Withee and Tom Dalessandri were present. Les explained how the video system works. Tom explained the contract amount of \$60,000 approximately. The company said they could not provide the same amount as they had for Mesa County, because they had underbid. Now, it will be around \$110,000

Motion was made by Commissioner Stowe to award the contract to B & B Electrical Systems for the installation of the Video Visitation System for the new Detention Facility for \$88,114.00. Commissioner McCown seconded; motion carried.

CR 154 - Stop or Yield sign at H Lazy F Intersection

Chairman Martin said he had received a request to install a 'STOP' or 'YIELD' sign at H Lazy F leading into Hwy. 154 for traffic control.

Hwy. 82 - Speeding - Sheriff Increases Manpower

Sheriff Dalessandri stated he has increased manpower during morning and evening hours on Hwy. 82 as it has become a major hazard with drivers speeding up to 90 and 100 mph. 65 mph is the absolute maximum speed designated and this is not even recommended during winter. Hwy. 13 has also reported major speeding problems, and deputies can be directed to that area. Since the speed limit has increased legally, there are more speeders across the State and I-70. As such, Garfield County and I-70 throughout hold one of the highest accident/fatality rates for a county this size and per capita. His office along with the State Patrol will work to reduce this.

Four Mile Road - Visibility Problem With Berm

Chairman Martin reported two phone calls from Sunlight View Subdivision because a homeowner has installed a berm onto the entrance of 4 Mile Road, causing visibility problems.

Community Corrections Program

Sheriff Dalessandri discussed the community corrections program with the highest count being 184. The Workenders are built into these figures with an average of 17 in the program on a daily basis. Without alternative sentencing, there is no relief for this. As they move along with alternative sentencing, this program needs an increase in staff, which will free up bed space. This is a positive solution as the inmates work, instead of the county supporting them; the Judges are supportive, and inmates pay a monetary fee to offset the expense of being supervised. Workenders are not considered high risk, but are the bulk of the jail population. We need more staff to supervise these inmates under Guy Meyer. The pretrial holds are growing, but aren't mandated to work in this program because of no conviction. So, we need to look closer at how to house them in the future.

Community Corrections Program - CMI Managing

Jan Kaufman, Al Maggard and Tom have met to discuss the CMI managing of the Community Corrections including work release. Will continue to pursue and it looks positive. As many as 60 inmates are being housed in other jails at present, so 40 could be released from jail into 'work release.' These beds could then be used for minimum security housing. Over the next few months would like to see discussions to explore expansion of the Workenders program. County has a commitment to take on municipal prisoners again when new facility opens and this will drive jail population higher.

Jail - Hiring New Staff

Another issue is the hiring of new staff for jail which is becoming more difficult, so need to look at incentives such as an employee shuttle from the far west end of the county.

ADMINISTRATOR'S UPDATE

Ed Green gave his update that included the following:

Review of Classification Actions- Phyllis Lundy discussed the handout provided to the Board regarding the approving of reclassifications of four positions in the Sheriff's Dept: Patrol Sergeant-H; Patrol Deputy I-F; Detective I-F ; Civil Deputy-I-D. Chief Deputy-F will be a new position. The Detention Site will be discussed at the next meeting. Each position has been reclassified up one grade and is justified with the new salary survey just completed.

A motion was made by Commissioner Stowe to approve the reclassifications, McCown seconded; motion carried. This will take effect immediately and 'vacancy savings' will handle the increase in pay.

Henry Building Lease- Ed had prepared some leases for tenants who occupy the second floor of the building. Each lease applies the rental currently paid and provides for month to month flexibility and remodeling, use. There were leases for Mary Hackett, Psyche Health, Merrick Financial Services, Dan Young and Colorado River Engineering.

Commissioner Stowe moved to accept those, McCown seconded; motion carried.

Year 2000 Audit Contract- A proposal by Chadwick, Steinkirchner, Davis & Co., P.C., for \$19,800 was submitted and provides for payments as the work progresses. Ed recommended retaining them for next year.

Commissioner Stowe moved, McCown seconded; motion carried.

Consideration for Purchase & Bid Award- Tim Arnett and Tom Russell presented the awards for two hopper spreaders and two commercial snow plows to Layton Truck Service for \$14,010.00.

Commissioner McCown moved to award the bids as such, Stowe seconded; motion carried.

HOV Parking Spaces and Special Reserve Parking- Mark Bean mentioned that 10 groups signed up and only 6 are being used. He suggested that a couple of the reserved signs be removed for the present time.

Comprehensive Plan 2000, Garfield County Study Areas II, III Growth Plan- Planning Commission approved a resolution to adopt these amendments which are completed for the most populous areas of the county. A certified copy of the 2000 Plan for Study Areas I, II, III will be distributed. Area 4 is yet to be completed.

Emergency Medical Services County Subsidy Funds Payment Distribution Form- This form for improving expansion of hospital, medical services for calendar year 2001 was presented for signatures. board approval and chair execution. Commissioner Stowe approved, McCown seconded; motion carried.

Release of Security for 4-Mile Ranch Subdivision- Tom Russell, Don DeFord and Mark Bean discussed the release. Lee Leavenworth and Joe Hope arrived later. The Board updated them on the necessity of holding some security for the present. They will need a certification of work accomplished by Joe Hope of High Country Engineering. An agreement will include an estimate of the additional cost within a new budget in the SIA to complete the project. Joe mentioned some concerns about the sewer not being in on Four Mile Ranch. The County is locked into a road situation and there needs to be more funds available. Joe states there is enough money to complete another layer of asphalt on the current road. Work will be started in the Spring. Lee assured the Board that the work will be completed and the developer will not fail in its agreement. Commissioner McCown mentioned errors in the mathematical calculations and the Board only needs clarification of these numbers to release the dollars for the amount of work completed. November 17th is the drop dead date on the Four Mile Road improvements. Tom Russell provided the update on the road. Some ways to improve the cycle time of the trucks was a positive outcome to speed up their progress. a 2"conditional mat was agreed to for the present time and will be reviewed next Spring. Don asked for a careful review of the work, so that if they have actually completed work, the funds could be released. It will require a certified signed copy by the Engineer. Joe Hope said he would submit the breakout and certified request later today. They are 54% into their contingency. Additional costs will include cutting 6' of road and replacing it next Spring. Discussion was held on the contingency dollars and Joe stated re-submittal on costs will be available in about 2 weeks. Don inquired as to the road if not completed by Friday. Joe said the switch over should be completed today, but frost has delayed them for backfilling trench for ETC. They will switch to a screened rock in the trench which doesn't have to be compacted--it's more expensive but solves the problem. Authorized rock for better traction as mud appears. Have also authorized to keep frost out of surged through other mechanisms. Probably going to miss the Friday deadline; site meeting tomorrow afternoon will determine how far off. Commissioners wanted to know how many days. Hope said they are working seven days a week and will have better idea tomorrow. The sacrificial drop will be replaced next Spring. Tom Russell mentioned it would be okay for the winter. Joe Hope and Tom Russell will coordinate this switch over. There is an estimated due date of November 21 for completion of paving.

Don stated that as of Saturday, they will be in default. Don suggested this be carried over to Monday, November 20.

A motion was made by Commissioner Stowe to release the security in the amount of \$88,000 if there is a stamped signed letter. Commissioner McCown seconded. Motion carried.

Guardrail - Whiteriver Avenue - Rifle

Commissioners also looked at some pictures of the guardrail installed on Whiteriver Avenue. The guardrail will make it safer for residents. Commissioners are pleased with similar projects at Peach Valley Rd & Davis Point.

COUNTY ATTORNEY'S UPDATE

Don DeFord gave his update. Discussion centered on the issue of disposal of seized/abandoned mobile homes.

Mobile Homes - Disposal of Seized/Abandoned

John Schenk brought this matter to Don's attention and copies of correspondence were distributed. A number of times requests have been made for removal of mobile homes from property John Schenk and his partners own, pursuant to court order. The Sheriff's Dept. is involved in executing a Writ of Restitution.. In

the past, a structure has been removed to a specific site or to the Landfill. John's letter explained the problems involved.

Schenk introduced himself as an attorney residing at 620 Highland Pk. Dr., Glenwood Springs and having ownership interest through an LLC, in a mobile home park. It has not been an issue before last year when the policy of the Landfill changed; under the law the Sheriff is charged with removal of the property and people from the landlord's property (and no further) when there is an eviction order. In an apartment situation, the household goods are moved to the curb, and immunity is provided to the Sheriff in those situations. Mobile homes are personal property, and throughout the county you can find abandoned mobile homes, but Schenk's approach has been to have them towed to the Landfill. He referred to Triplett's written remarks in the package: towing mobile homes to the Landfill costs around \$300 for disposal. The only legal right park owners have is to remove it, not enter it. The Landfill had a policy to change everything to disposal by weight and refuse mobile homes for disposal whatsoever. Schenk's company did store some, trying to figure out what to do with them. However, from a legal standpoint, they have to exercise dominion over contents or unit, because the title is still in someone else's name. Steve Hackett noted 10 units on property that are salvage only. Tom Triplett, who manages the place, has worked with the Rifle Fire Department and they want to use old trailers for fire training exercises, which they will with those. There needs to be a policy that makes sense. He had another client at the Fireside, where there is a Writ, but nowhere to dispose of it, although they have worked with a dealer to dispose of it. This has not been satisfactory, even though Judy has worked with them. Schenk is emphasizing responsibility to get it out of sight, but this problem will be ongoing in the county. Check with the Assessor; need an economical practical way to dispose of these units. Currently, owners do not have an incentive to spend \$1500 to remove lost property and the owner's legal right is to have the Sheriff remove it. Schenk wants to cooperate and strategize. Some others do not have this option. Cottonwood is moving progressively in removing these old units that have been lost due to unpaid taxes. The Sheriff is responsible for having these units removed. Where do you put them? This requires a collective solution for all mobile home parks.

Ed explained the Landfill situation; it's an enterprise fund, so they attempted to recover full costs associated with it. Mark, Tom and he met to look at costs which vary directly with it. He referred to the cost estimate sheet for the landfill and the asterisks refer to those costs (\$463.) He explained the various steps in the demolition as related to costs. The alternative proposal is to deal with the direct costs at \$463.00 per trailer for demolition. This will lessen the impact having the Landfill cell fill faster but does not immediately affect the Landfill at present.

John Schenk said the cost of \$48/ton at the County Landfill is being charged; Mesa charges \$18/ton. When the trailer is crushed there are some salvageable parts, such as the metal frame estimated at approximately \$100. Otherwise, it's no different than other metal left there. He will discuss this review with partners. Rio Blanco accepts these units for free just to get them removed. He thinks the County should be consistent in charging on weight basis or volume basis, but currently there are different processes, and he could live with the weight basis. The solution should be to hold these abandoned trailers at the Landfill, because of title considerations. He wants to work out these details, but doesn't want to be in the position of telling partners and clients that the only reason they have to dispose of trailers is because it's the right thing to do, when in fact there are economic considerations.

Ed pointed out that it's not just a bag of trash, because there are incremental costs. Another commissioner thinks the county will end up with it one way or another, so it makes sense to charge by weight and recoup some costs through salvaging.

Commissioner Stowe suggested to adopt some policy to get citizens to cooperate.

Sheriff Dalessandri stated it is a Catch 22., because of the way orders are written.

Judy Davis read Writ of Restitution by Judge Zerbi. When they actually move someone out, they bag up stuff and put it on curb. On a mobile home, Notice of Judgment is done that goes into effect in 48 hours after judgment is given in court, which lets defendant know what time they will supervise orderly removal

of personal property. If the trailer is not ready or defendant doesn't show up, then John's people have been coming in and the removing them. If that doesn't happen, then trailer would have to go to the nearest curb.

John Schenk pointed out the statute reads that as long as he cooperates under the authority of the Sheriff and moves it through a mover, then someone can claim he 'broke their crystal'. There is a statutory protection. That order starts to vaporize at the property line. They have moved some homes to Rifle Service Park and they're in trouble with Hackett. A fair policy would make sense. He reviewed past landfill charges.

Judy Davis agreed that park owners are getting rid of older homes, so it will become a bigger issue.

More discussions by commissioners concerned about landfill space taken up by 20-30 trailers until future demolition. The consensus of the Board was to take the trailers based upon weight.

Consulting Contract of Review of Glenwood Caverns Special Use Permit Amendment- Don DeFord and Mark Bean have discussed this and recommended contracting outside consultants in this manner. A planner from another county was explored. Mark will explore some options and bring them back to the Commissioners next week, November 20.

COMMISSIONER'S REPORT

McCown - none

Walt - Rural Resort-Thursday, Noon - Glenwood

Martin - Community Corrections - Noon on Thursday

Peer Review - Wednesday

Tuesday - City/County 7 Am.-Randy, Mark and Tom Russell

Ed - Umptra - 10 on Thursday

Board Meeting for County Health Pool - November 17

CONSENT AGENDA

- a. Approve Bills
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the bills and payroll as submitted; carried.
- b. Signed Dust -N-Sage Special Use Permit
- c. Signed Acknowledgement of Satisfaction: Subdivision Improvements Agreements for the Lacy Park Subdivision
- d. Signed Resolution of Approval: Hutton Accessory Dwelling Unit
- e. Signed Hutton Special Use Permit for an Accessory Dwelling Unit
- f. Signed Resolution of Approval: Class Accessory Dwelling Unit
- g. Signed Closs Special Use Permit for an Accessory Dwelling Unit
- h. Signed Resolution of Approval: Flying Fish Ranch
- i. Signed Flying Fish Ranch Special Use Permit for an Accessory Dwelling Unit in a flood prone fringe area.
- j. Signed Acknowledgement of Satisfaction: Aspen Equestrian Estates
- k. Signed Second Amendment to Subdivision Improvements Agreement for Sun Mesa Planned Unit Development

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda items b-k; carried.

REGULAR AGENDA

Budget 2001 - Public Hearing Comments

The 2001 Budget Public Hearing Comments was addressed. Jesse Smith handed out the 1999 Audited Closing and the 2001 Official Adopted Budget. He explained the changes. \$360,000 or recapped sales have not been included in this handout. Another is staff vacancy savings which will flow into the general

fund. Both of these will be a minimum of \$3 million in general and \$5 million in Road and Bridge. Discussion was held.

Additionally, Jesse suggested doing away with the contingency fund and roll it back into another fund, then set up a line item in each fund that would be contingency for the general fund and only approved by the Board. If this is done fund by fund, it would eliminate supplemental budgets including requests and approvals by the Board and reports to the Secretary of State.

Jesse explained the process for supplement budget requests. The time that would be saved in doing this would be very noticeable. He suggested this labeled "restricted" and would be in every elected official's budget and every department.

Commissioner Stowe agreed it was a good proposal and mentioned it would require education of the departments so they wouldn't view this as a "slush fund."

Commissioner McCown suggested Road and Bridge to \$3.5 million in contingency. General fund \$2 million; Social Services as \$500,000; Library to the Library Board; Airport \$100,000; Debt Service Fund - Jail Construction - funds still come into Fund from the Public Service portion of the Sales Tax; Capital - \$1,000,000; Motor Pool - Increasing every year - some vehicles are still in the Sheriff and Road & Bridge Departments.

Jesse stated he would insert these line items with contingencies and bring back a policy for the Board's approval. Jesse indicated that the present budget fund balances are similarly dealt with.

Commissioner McCown mentioned that for a supplemental budget amendment is a reflection on the department for not adequately budgeting requests.

Ed assured the Commissioners that this new contingency plan for the line items in the budget will be thoroughly explained and stressed that the Board will have to approve this. It is not something to take lightly.

The consensus of the Board was to have a strong policy in place and to try it for one year.

Jesse said the contingency of \$371,669 will be rolled into the fund balance for general fund. Then, we'll take the difference between fund balance and minimum balance (require 2 million) and place into contingency line item under general fund.

McCown noted that in essence there would be a \$900,000 contingency line item in the general fund and a 1.2 million in the bridge, etc., right on down.

Ed stated there would be no motion at this point; will bring Jesse back at final budget for review and approval.

Comment [MC1]:

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS

a. CONSIDERATION SUBDIVISION IMPROVEMENTS AGREEMENT AMENDMENT & SECURITY: ROSE RANCH

Don DeFord and Georgia Chamberlain were present.

Tim Thulson handed out the letter of credit that has been previously reviewed by Don DeFord. This is issued for 6 months and renewal for 12 months thereafter. The County needs to obtain a signature on the Third Amendment in order for the County to have the option of revoking the letter of credit in case the developer does not renew after the 6 months.

A motion was made by Commissioner Stowe to approve the SIA as described by Don DeFord and the Chair the authority to sign the document. Commissioner McCown seconded. Carried.

b. REQUEST FOR APPROVAL: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED LOT 13, ROCKCREEK SUBDIVISION, 0574 CRYSTAL RIVER ROAD. APPLICANTS: RANDAL AND CECILIA HARMON

Attorney, Ed Olszewski from Balcomb and Green, Jim Leuthueser, Cecilia and Randal Harmon were present.

Jim reviewed the submittals regarding notification and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the speakers.

Jeff Laurien submitted the following Exhibits: A - Green & White Returned Receipts; B - Proof of Publication; C - Garfield County Zoning Regulation of 1978 as Amended; D - Garfield County Comprehensive Plan of 1995 for Study Area 1; E - Application; and F - Staff Report and Attachments. Chairman Martin entered Exhibits A - F into the record.

Randy was the speaker for his parents.

Jeff stated this is a request for review of a Special Use Permit to allow for an Accessory Dwelling Unit.

A motion was made by Commissioner Stowe to close the public hearing, McCown seconded; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for the SUP for Randal and Cecilia Harmon with the recommendations/conditions as listed by staff; carried.

c. REQUEST FOR APPROVAL: PRELIMINARY PLAN. LOCATED: 2102 CR321, SOUTHWEST OF THE CITY OF RIFLE. APPLICANT: MS. GAYE LEO

Kit Lyon, Don Deford, Gaye Leo and Christopher Manera were present.

Don reviewed the submittals regarding notification. These were in order based upon the submittals by the applicant as well as the testimony given. Don explained that there was a situation he needed to call to the attention of the Commissioners regarding the date of mailing. A preliminary plan requires 30 days prior to the hearing for the mailings. Don mentioned this was outside the regulations. The notification was dated timely but he did not have the publication. Commissioner Stowe stated this was 4 days and felt it was not a factor. The Board decided to proceed.

Chairman Martin swore in the speakers.

Kit submitted the following Exhibits: A - Returned Receipts; B - Notice of the Publication;

C - Subdivision; D - Zoning; E - Comp Plan; F - Application; G - Staff Report and H - Letter from Law Firm - Mark E. Hamilton of Caloia & Houpt, P.C. - Kit read into the record.

Chairman Martin entered Exhibits A - H into the record.

Kit presented that this was a request for review of a Preliminary Plan for a three (3) lot subdivision on fifty-one (51) acres. The parcel lies on Taughenbaugh Mesa, southwest of Rifle.

Chris Manera, Colorado River Engineer, commented that intention was to provide a shared well and allow each lot owner to hook up to it with their own service line and develop their own storage. Now, he proposes to run a service line from the main well to the new lots and to have the lot owners be responsible for constructing their own storage tank. One central tank can be constructed at the well, but he recommended individual tanks because they're small and there's limited allotment of irrigation from well. Also, it's more practical and emphasizes water conservation with the individual homeowner. So the definition of central supply is the supply line from the well to the lots. He said subdivision regulations also allow for individual systems and this is in-between with a shared source of supply, but lot owners are going to be required to develop their own water system.

Don responded that in the past this system has been interpreted as a central system.

Commissioner McCown - as long as the applicant meets the central loop system to the lot lines, he didn't see any problem in the lot owners constructing their own storage tanks. It's your responsibility as a developer to put the primary infrastructure from the well sharing to the lot line, loop line to all three lots

Chris- It's almost a cul-de-sac, a straight line from the well to the two lots. There are two purposes to looping lines which is to increase flow capabilities, and isolate certain grids without shutting off supply.

Gaye Leo will have to put in storage tank for existing house. The low end of capacity would be 240 gallons for everyone. The well is located so that there is a straight line to the lot, which makes it simple and efficient.

Discussion of fire protection with no capacity. Leo said there are three water trucks sent out for local fires and residents are urged to limit bushes, trees, combustibles, using eco-sensitive building materials.

There was no input from the public. A recommendation was made.

Commissioner McCown moved to close the Public Hearing portion, Stowe seconded; carried.

A motion was made by Commissioner McCown to approve recommendations and corrections - delete No. 6 - corrections to 9 and 11. - G and recommended to be included in the Conditions there be adequate road turnarounds on the two existing lots ; change min storage from 250 to 500 gallons. Seconded by Commissioner Stowe, motion carried.

d. REQUEST FOR APPROVAL: SB-35 EXEMPTION. LOCATED: 8 MILES NORTH OF CARBONDALE & 8 MILES SOUTH, SOUTHEAST OF GLENWOOD SPRINGS. APPLICANT: W. PAGE SPRACHER

Greg Butler, Victoria Giannola representing the applicant and Don DeFord were present.

Don reviewed the noticing submittals and the testimony of the applicant - Page Spracher.

Martin swore in participants.

Exhibits submitted: A - Proof of Publication; B - Return Receipts; C - Application and Attachments; D - Subdivision; and E - Project information and staff comment

Entered A - E into Record.

Greg reviewed the project information and staff report.

Victoria Giannola mentioned that Greg Butler did a fine job of presenting the project.

Public input was held. Kathleen Hughes of 9203 C.R. 115 had received one of the letters, had previously reviewed the project information and questioned why the 4 acre parcel in view of subdividing a large parcel. Page, an adjoining lot owner explained that he restricted the Higher Aspen people's 1100 acre development to 35 acre tracts, and would not grant an easement unless they did that. So, there will only be a total 31 including the 4 acres on the entire 1100 acre property. Basically, the 4 acres is a redoing of his lot, and he will build a guest home which he already can do. Mark Bean clarified that by creating the 4 acre tract it can be sold separately with the house on it.

Commissioner Stowe moved to close the public hearing, McCown seconded; carried.

Stowe read the request for approval of an exemption located at 8 miles north of Carbondale, 8 miles southeast of Glenwood Springs, with recommendations by staff.

Commissioner McCown seconded; carried.

e. REQUEST FOR APPROVAL: SPECIAL USE PERMIT-TELECOMMUNICATIONS TOWER, LOCATED: 0324 CORYELL RIDGE RD., CARBONDALE, CO. APPLICANT: BRITT HAKONSON, REPRESENTING VOICE STREAM WIRELESS

Stowe read the request for approval. Voice Stream Wireless spokesperson Joy Rutherford, Greg Butler and Don DeFord were present.

Don reviewed the notification and publication and submitted the information for the Board to decide. Joy stated they published it once and a week later as well.

Don said the dates are confirmed and advised the Board they could proceed.

Testifiers were sworn in and Butler presented exhibits: A - Proof of legal notification; B - Return Receipts; C - Application and attachments; D - Zoning Resolution of 1978 as amended; E - Project information and Staff comments; and F - Letter from Mobile Home Management Corp. requesting denial Exhibits were admitted. The report was read, stating this is a 55 foot high tower on the Roto Rooter property located at the above address. Property is zoned commercial limited and has a 25 foot height limitation. Read authority, site lease stipulations agreement. Property is located in that part of county, Study Area I considered a visual corridor, so applicant has tried to research county codes. and thought a 30' cottonwood tree would help minimize visual effect of tower. However, tower will set atop a 50' rise, so staff is recommending denial, but the planning commission approved the site, thinking complete coverage of State Hwy. 82 corridor outweighed the visual impacts.

Stowe asked for clarification of height, due to some discrepancies in different places, such as the first and second page. It is a 55' tower.

EXECUTIVE SESSION -TO RECEIVE LEGAL ADVICE

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Commissioner Stowe removed himself from this application due to some property he owns in this area. Joy Rutherford submitted a map showing Hwy. 82 from Glenwood Springs to Aspen indicating the gap between service. The intent of the tower is to ensure total coverage of these areas. Scott Snyder with Voice Stream Engineering stated they have been working a long time (12-18 mo.) in getting the proper location for their site along with stealth design (canister). Visual is a concern from residents and they have taken precautions to mitigate those visual concerns; no antennas will be visible outside of pole. Are open to co-location and have done this w/ Nextel. Other cellular companies - AT & T, Verizon, Nextel do have service, but have higher megahertz band width. Voice Stream needs a 2:1 ratio of sites, due to frequency limits; leaves and concrete are problems. The representatives believe Voice Stream provides a better system with less radio interruptions, provides a better hand over, thus this site location. There was more discussion of project dimensions.

Commissioner McCown - concerned about 1997 visual impact standards being held to.

Chad with Voice Stream Wireless related his comments to color and best possible solution. Exhibits G, photographs submitted by applicant, showing community telephone poles and site simulation. Questions were asked of audience, and there were none. Recommendation was asked for.

Chairman Martin entered Exhibit G into the record.

Recommendation:

Planning Dept. Staff recommends denial of this communication facility by the Board of County Commissioners unless the applicant can prove conclusively that their design (monopole) will be adequately screened to prevent this site from becoming a visual blight to the area.

Commissioner McCown motioned to close the public hearing, seconded by Commissioner Martin; carried.

A motion was made by Commissioner McCown to approve the special use permit with the four mentioned recommendations of the Planning Department included in letter separate from Staff packet. Commissioner Martin seconded. Called for vote; McCown-aye, Martin-nay. It was a tie, which disapproves the question.

PUBLIC MEETINGS:

a. REQUEST FOR APPROVAL: VACATION OF FINAL PLAT. LOCATED: Approximately Four (4) Miles North of Rifle, Off of State Highway 325. Applicant: Garfield County Planning Department.

Planning Dept. presented a proposed resolution to vacate the plat for the Rifle Creek Ranch Subdivision. Packet included letter from Commonwealth Title Co. Current owner, J.C. Owen, is attempting to sell property and title company indicates the County has not vacated the right-of-way within the road. A 1989 letter from the Dept. indicated they had, but according to County Attorney, for title purposes, he has advised the Board to pass a resolution vacating the plat.

Don DeFord and Mark Bean stressed that all roads should be vacated as well

Commissioner McCown moved that a resolution be approved for vacating final plat with public accesses and thoroughfares, with Chair authorized to sign. Stowe seconded; motion carried.

b. REQUEST FOR APPROVAL: REVIEW STATUS OF CONDITIONAL USE PERMIT. LOCATED: Brush Creek, Clear Creek and Garden Gulch Areas North of Parachute & DeBeque. Applicant: Colorado Timber & Land Company

Ken Roberts introduced himself. Kit Lyon explained that resolution of approval was signed for permit in 10/99, but permit never issued because the original approval contained scribe's errors, for which a corrected resolution is contained in packet. Also, the conditions in resolution have not been met. The applicant can meet conditions or apply for new permit. She asked for questions.

Commissioner McCown asked what conditions needed to be addressed. Kit directed them to the November 1, 2000 letter to Ms. Chavez, CTLC, which lists eight unmet conditions and explanations. She has received a letter in response which she hasn't had time to review in detail, but there seems to be communication

problems misunderstanding about the permit process. They have legal access to some parcels and not others, so she can't issue one-half of a permit. They may need to obtain a new approval for the three parcels they do have access, but the current approval stipulates specific conditions which are unmet.

Commissioner Stowe directed attention to Item #7 in the 11/1/00 letter to Ms.Chavez. It is lacking a "0" . Should read \$100,000. She indicated that is one of the scribe's errors. There is also a question of the appropriate road bond. Applicant has one for a previous project and would like to use it for this, but Lyon explained that they need a different road bond, since this is a different permit. It's possible they can cancel that bond if the project is finished and get a new one. They also have not reached agreement with Road & Bridge Dept. Tom Russell indicated they had not had response from them. Need a bond for each specific route, except Clutch's says it's for all roads which is pretty broad. One commissioner concerned about vagueness and risk to County. Bonds are hard to collect , so vagueness doesn't help. It's same as an insurance bond, but appears to have been written off an old bond, but not specific enough and it's required to offset damage by heavy vehicles. CTLC says it's in compliance with State Hwy., so why do they need these bonds? Russell explained that roads have weight limits.

CTLC feels they're targeted. They say everything they haul is legal. Discussion on traffic with CTLC saying there were 4 months with nothing hauled; can't afford bond for every road and doesn't understand why they're targeted. Road & Bridge explained that logging trucks do more damage. Kit emphasized that conditions in approval need to be met, but if they want to change them or can't meet them, can apply for new or amended permit and go through the process. Commissioner Stowe reminded Ken that company agreed to these conditions.

Jim Leuthueser pointed out that the bond is for the transportation of *heavy equipment* but the permit is for the transportation of *timber*. The bond doesn't address the use of the road. This is a C.A., but permit itself has not been issued. Permit comes when conditions are met and they haven't--that's why everyone is here, to resolve it.

Roberts said they hadn't worked for long time, but would like to be in compliance and be treated fairly. Commissioner Stowe referred to the bond permit # 433308, where it's circled "to transport heavy equipment" and someone has also written "or operations." Kit said the written words happened during a meeting, but it's not part of bond. Mark Bean pointed out that similar types of operations are required to post bonds when hauling heavy equipment, such as recently the gas transmission line in this area. So, it's a standard condition, not just being applied to CTLC, (mineral extraction, too). Commissioner McCown thinks that for a minimum level of comfort, bond needs to be written to specify roads being impacted. Legal access needs to be resolved. Roberts said they don't take timber off areas they don't have legal access; said the places they used were right in the packet. Jim reiterated they were using them without the permit in place. Kit reemphasized they can't issue permit without legal access to all areas. She produced map showing parcels listed in approval, and needs proof of access to the parcels. Roberts still maintained they were accessing only one area up Clear Creek. McCown suggested they should have excluded those areas if they don't have access. Kit said they could apply for new permit and get a road bond just for those roads and just do a parcel at a time, but permit can't be issued as it stands now. Roberts indicated they would do what it takes. McCown stressed they need to get access easements in place, and specific county roads impacted named on the insurance bond.

McCown had a question about the certified letter Ms.Chavez said she sent to Steve Anthony because of his lack of response. Kit did not have a copy, but referred to Steve's letter dated 10/6/00 in the packet. Steve had pointed out Condition #3 required a weed control program on specific roads, he gave dates they were last treated, included weed identification book, and asked to be informed of treatments so he could inspect them. Kit referred to the Chavez 10/2/00 letter. Applicant contends she is in error and program doesn't apply to private roads, however Kit said that is a specific condition in the approval. Her office also doesn't have evidence of implementation including specific course of action detailing who, how long, what weeds, etc. New letter she received just before meeting may address it, but hasn't had time to review it. Commissioner McCown wanted to know if #3 (Chavez letter 10/2/00) satisfied weed plan. Kit looks for more specificity. Without a new approval doesn't know how to address the private land issue. Steve Anthony enforces this. Question of enforcement problem. McCown pointed out that Chavez letter stated

they have contracted with Mr. Brennan to spray on private land if there's a weed problem, so doesn't appear to be a problem there.

The other issue is condition #5, hauling hours (6am.-6pm.) Applicant doesn't agree with times set. Commissioner McCown thought that 6 a.m. would satisfy the company wanting to leave early to miss school bus routes and is specified. There will be no hauling before 6 a.m. or after 6 p.m.; would clearly miss bus routes.

Item #6, Mr. Baker's qualifications and his resume were discussed.. It's up to Board to accept him as an acceptable expert on forest management; has given positive review to CTLC.

McCown reviewed things to be done: access easements, changing road bond to list specific hauling roads, accept resume and Mr. Baker as consultant to meet condition 6 & 8., adjust operating hours. Once other accesses are gained, then weed programs need to be addressed there. Item 2 , R & B agreement needs to be approved prior to issuance of permit.

Resolution proposed to correct errors and no work will be performed prior to conditions met and permit issued; also condition/items #1,2,7.to be met and if not, apply for new permit and go through Public Hearing process.

Commissioner McCown moved to approve resolution to correct scribe's errors in Resolution #99-108 C.U.P. for CTLC and Chair be authorized to sign, Commissioner Stowe seconded; motion carried.

Commissioner McCown moved to approve Stan Baker as the forester consultant on behalf of Garfield County to review the timber operation of CTLC; Commissioner Stowe seconded. No further discussion upon request.. Motion carried.

Commissioners took a recess.

EXECUTIVE SESSION

Commissioner Stowe move to go into Executive Session over litigation with the town of Silt, and matters concerning the Nieslanik and Nystrom case.
McCown seconded; carried.

Adjourn -

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

NOVEMBER 20, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 20, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

ADMINISTRATOR'S UPDATE

Present was Al Maggard of Community Corrections, Frank of the Sheriff's Dept., Phyllis Lundy of Human Resources

Ed Green gave his update which included the following:

Pre-Trial Program Discussion

First item to discuss (on speaker phone) was with Guy Meyer, who has received authority to initiate pretrial diversion, and courts have started early referrals. Report of Case Management Program was given to Commissioners who approved program in March. Guy gave update of revenue stream this year; program is paying for itself. Pretrial program needs a part-time position and two referrals/day will pay for program. Guy just completed grant for \$43,000 to fund .25 F.T.E. (20 hrs/wk) with remaining money to fund program, such as help for indigents (majority of offenders) who can't pay for supervision and Guy has presented idea of sliding fee scale to courts. Guy believes they will have about 10 offenders in program initially. Stowe pointed out there are 80-90 in pretrial holds, and Commissioner McCown inquired about caseload a new person could supervise. Guy thought 20 max, but would depend on how labor intensive the offenders are to manage; some offenders would be on drug/electronic monitoring. Along with that they have about 20 parole cases to monitor on same type of system. Commissioner McCown observed they were dealing with 1/4 of the problem, given the pretrial holds. Also, on any given day there are 30-35 on I.N.S. holds over which they have no control. One-third of daily holds are I.N.S., but if I.N.S. didn't pick them up they would qualify for program if their charges are minor. Meyer has had discussion with I.N.S. and they seem receptive to program. The .25 FTE would be used to develop policies and procedures that are related to program.

Phyllis Lundy gave information on contracting requirements related to I.R.S. regulations regarding who is an employee and who is contractor. They can contract with an individual, but the individual must have a business set up that has other clientele and is not directed by Garfield County on daily business. Otherwise, it becomes an employee situation, and an unemployment audit would reveal they should pay individual as an employee. The business should have clients in the same field, and any contractor should be familiar with this type of business, thus having similar clients. Commissioners aren't aware of anyone in this area qualifying, but Commissioner McCown thought Colorado West might be available, if they want to. Other big counties have staff that are pretrial F.T.E.'s. Commissioner Stowe directed Meyer to put out feedback regarding the contracting.

Fair Board Assessment of County Fair 2000 & Financial Report

The second item was the Fairboard assessment of County Fair 2000 & Financial Report, with Tony Penton and Dale Hancock providing an update that the Fair was a financial success with \$4,442.58 and more coming in. Gate totals for concert were minimal, so weren't shown, but Commissioner McCown wants it shown in the future since expenses are shown. Presenters said they will recommend uniform accounting for future fairs, but currently each treasurer decides how they track funds. More accounting questions on

uniformity of rodeo accounting. Stock contracting was attributed to one rodeo, instead of detailed. McCown pointed out that concert is and has not been a success--would like to see them get out of it so rest of Fair doesn't subsidize it. There doesn't seem to be a good time to have it. Only 180 persons attended at the cost of \$10,000. Fairboard is considering reducing grandstand events as even big counties limit it to four nights.

Will keep mud bog, rodeo for one night, other options. They will then purchase family acts to be set up on baseball field during the day. It brings people out to enjoy fair, because it's free or low cost.

Commissioner McCown suggested they cancel one rodeo, if it's only one performance. Dale said people are just generally disenchanted with CPRA, so they're considering ranch rodeos. McCown pointed out that historically, there's been good attendance for the Jr. Rodeo, but if their is not rough stock from another rodeo, that will go by wayside. Reviewed high attendance night and presenters agreed on concert issue. If it can't be done on weekend, doesn't seem feasible. Commissioner Martin suggested that commissioners drop in on Fairboard occasionally to keep in touch. Tony Penton discussed the rough draft of by-laws she's working on with Fairboard since they currently don't have any, but it won't be brought to BOCC until the Fairboard has had a chance to work on it. There were no further questions or discussion.

Update: Department of Energy Meeting

The third item concerned the Dept. of Energy meeting Ed attended with Shelby and Mark. This meeting featured two Senators who discussed the ongoing UMPTRA projects, including the one in Garfield County. Ed related to these Senators his concern on the DOE agreement drafted, but didn't include the five pages of comments which need attorney's review. He did relate two concerns, one being their desire for a simple grant versus a cooperative agreement. The latter integrates a lot of contractual language which the City of Rifle might have trouble complying with without additional costs. The other issue, echoed by the State, is that the State is unwilling to be signatory to the agreement because they don't have authority in that environmental organization to do that. A modification was suggested by Ed. DOE wants to resolve contract issues and wants to finalize within the next two months. Also, the interim storage facility in Grand Junction that DOE wants the County to place tailings in until the Cheney site is reopened in the Spring time, presents some concerns. He and Don reviewed the proposed agreement by the City of Grand Junction, and it intimates that the County will take on responsibility for residual contamination from other entities who have deposited materials there. The site is the bottom of an old sewage tank and it's only been used by the City of Grand Junction, who have dumped loads on the concrete. Ed suggested segregation of materials by standard Type A boxes which the City of Grand Junction agreed, so it looks like they can restructure the agreement.

Commissioner McCown wanted to know if they discussed the types of contaminants. Ed said that is the issue. Ostensibly, it's to be uranium mill tailings, but there's a concern there might be hazardous materials as well, and if those materials contaminated the whole area, then everyone who deposited materials there would be responsible for remediation and cost of cleanup. Type A containers are usually 4x4x8 steel boxes that are used widely in industry. They are packed with vermiculite to suck up and prevent migration of moisture. Commission McCown wanted to know the advantage of storing containers in Grand Junction if they're self-contained. Ed said the DOW wants the mill tailings to go into waste remediation stream as soon as possible. McCown still questioned the advantage of hauling boxes to Grand Junction and then back to Cheney. Ed recognized this, but reiterated DOE's position because they want to know that the tailing are indeed in that site and accounted for. Ed said the County could buy 2-3 boxes at \$500 to 600 to have available. They can be taken to site, filled up, put on a flatbed and stored. Ed said Shelby attended UMPTRA meeting and thought Rifle would participate as well, so Ed suggested that Rifle could reimburse the County if they needed a box. McCown discussed how the County is the pass-through agency for a lot of these programs with Associated Governments and questioned how it fits in the grand scheme of things. He wondered if there had been contracts asked for in the past, because this site has been used for years. Ed indicated there hadn't, and there are tailings there now. Up to now there has been no segregation because the City of Grand Junction has been the only one to use it, but they want to ensure responsibility by other users. McCown was concerned that three boxes will be enough, given the earlier remediation program that was done at Rifle and stopped at a barbed-wire fence. He thinks the County could be looking at numerous 40 yard containers that wouldn't fit at the storage site. Ed had impression that this program is for when something just pops up, like a culvert situation. McCown pointed out that if Rifle did a water line at the West Rifle exit, they could get into a lot of material and the Cheney site would have to be reopened. Ed

agreed the interim storage site can't deal with that type of situation. Ed was directed to get prices and specs on boxes.

Four Mile Road - Update

Tom and Randy gave an update on Four Mile showing that Independent Trucking has come through. One lane is raised and filled with base course to a significant depth of 2 feet, and they will do the other lane today. Harry's Heavy Haulers is running eight belly-dumps right now with plans for more. Pavement should go down tomorrow. Mag-chloride is being used. Tomorrow night should see a black-paved road. It needs to be stressed to the people that everything they've done will have to be taken out next year. They seem to be under the impression they can leave some sub-grade and pavement in place, but freezing conditions have affected it, along with lack of compaction. Some testing has not been done to get the project done quicker. One of Tom's requirements will be to install barriers to prevent rocks from the cut slope dislodging onto highway. There are pending grade issues. Joe, Marty and Bill joined discussion. McCown wondered if road base could just be reworked next Spring, instead of removed. The reply was that the base would have to be pulled out and sub-grade looked at, because everything is going in frozen right now. Joe, of High Country Engineering, said they have required HP Geotech to be on site full time during base and asphalt installation so they can have adequate test results for next year to alleviate concerns. They may have to do some pot-holing or cores, but will have good test results to maintain as much of base and asphalt as possible. They want to do it right as much as possible, so even though they weren't asked by Tom, they brought in HP Geotech. McCown was under the impression that the asphalt was sacrificial. Joe replied that they had assumed that temps would be too cold, but they are going into a warming trend and if they can meet the CDOT specs, they will try to keep asphalt. Tom has reduced their section; he has given them two-12' lanes with two-2' gravel shoulders per memo, so they will test as they install and then look at it next year. McCown had a problem with that, because they had gone through two weeks with frozen conditions, putting down base and sub-base, and now will get two days of nice weather to pave under appropriate conditions. He wondered what was under that. Joe reiterated again that they need to core it next year. McCown wants it cored now to look at temps. Everyone agreed it would be cold, and that worries McCown. Joe said that's why they are over-testing everything. If sub grade is a problem, then base and asphalt will come out. Under terms of contract, they have 10 days after completion to present a new cost estimate, and Stowe asked when they might receive it. Joe said they should have it a week from today. Those estimates will form the basis for a new calculation on security for SIA, so Stowe asked if those calculations would assume they have to remove the surface and base. Joe said he would have to make that assumption. Joe thinks that people driving up and down road will be happy with solutions; it's less steep and nicer. Chairman Martin said he had seen it and complimented Independent Trucking. Tom agreed that it was a difficult area and the public has given them numerous hand gestures, but they've done a good job.

Consideration of Subdivision Improvement Agreement: 4-Mile Ranch

Extension on current SIA expired Friday and all parties need to be in compliance with an existing agreement, so it was suggested to extend that to be completed by Friday. The completion of the work will still be the trigger date for the attending cost estimate. Completion of initial improvements was set to be done by Wed. 5 pm., and Joe to submit his certified cost estimate for completion on December 4.

Award Police Interceptors for Sheriff Department

The next item was the police receptors. Tim reported that Ford is cutting off production date at the end of December for police interceptors, so they need to order now to get high on list because Ford only makes "x" amount. Commissioner McCown wanted to know if these were replacement vehicles and how old ones would be disposed of. Nine will be auctioned and two will be taken over by D.A.'s office. Pitkin and Rio Blanco county will pay them for the residual value of those two vehicles. There will be enough to buy 'whistles and bells.' Frank is encouraged to conserve and recycle. Frank said they budgeted for four 4-wheel drives to access difficult locations, and no one responded to request for bids except for Crown Vics. The County still hasn't received some vehicles ordered last Jan. Fleet production is not high on any manufacturer's agenda, even though the County has funds. There was some concern that the original budget for all 4-wheel drive vehicles put a lot of pressure on the capital fund budget, adding another \$100,000, so Tom had agreed to eliminate and redistribute some of the existing vehicles. There will be \$5,613./car for equipment. \$309,243 was approved minus vehicle costs of \$223,785 which makes it \$892 short, but Frank thinks he can make it work by pressuring the bidders on emergency equipment.

Commissioner Martin asked for a motion to accept the bid for Crown Victorias, from Columbine Ford, in the amount of \$223,785.00. Stowe so moved, McCown seconded; motion carried.

Discussion of Consultant: Special Use Permit

Mark Bean discussed a request from his office for a special consultant for a special use permit. Last week they had discussed the possibility of contracting with neighboring jurisdictions, but they are all buried with Amendment 24 apps, and their learning curves probably differ due to different regulations. He thought Dennis Stranger might be acceptable, as he is familiar with regulations and has worked with them in past. Commissioner Martin concurred.

Pickler/Wix Exemptions - Time Discrepancy on Public Hearings

Meeting was interrupted when attorney, Tom Stuver arrived with client. Their hearing was scheduled for 10:00, but notice sent to property owner said 9:00 for the Pickler/Wix exemptions. It was suggested that Commissioners acknowledge they would formally continuing that hearing until 10:00. Stuver was questioned and he said the posted notice was for 10:00 and not the same for mailed notice. Commissioner Stowe apologized for Board. Discussion with Mr. Stuver on whether he was there as a member of the public and/or with client as well as time discrepancy issues. Chairman Stowe moved the Board continue consideration of hearing until 10:00. McCown seconded; motion carried.

County Health Pool Carrier Selection: Update

Ed gave an update on the County Health Pool. The network of doctors, hospitals and paperwork issue decisions were deferred until the 27th with the CCI meeting. Five of the six commissioners of the 10 member board were not reelected. That leaves Ed and two current members.

EXECUTIVE SESSION

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss personnel issues, litigation with Town of Silt.; carried. Requested Dale, Phyllis, and Jesse in meeting.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

COMMISSIONERS REPORT

McCown - none

Stowe - Personnel Committee meeting, Wed. 9:00 am.; 11/30 is Mt. Sopris, Southside Soil Conservation District dinner at 1st Choice Inn at 6 pm.

CONSENT AGENDA

- a. Bills
- b. Harmon Special Use Permit
- c. Liquor License Renewal - Rifle Fireside Lanes

Commissioner McCown moved to approve bills and sign the resolution for the Harmon Special Use Permit, Stowe seconded; motion carried.

Commissioner Stowe moved to approve the liquor license renewal for the Rifle Fireside Lanes.

Commissioner McCown moved to disqualify himself due to conflict of interest.

Commissioner Stowe made a motion to approve the renewal liquor license for Rifle Fireside Lanes.

Chairman Martin stepped down as Chair to second the motion; carried.

REGULAR AGENDA

BUILDING & PLANNING ISSUES:

PUBLIC HEARINGS:

1. REQUEST FOR APPROVAL: SB-35 EXEMPTION. Located: T7S, R95W, Section 8. A tract of land located approximately 1/2 mile west of the Town of Parachute along County Road 354.

Applicant: David & Mary Pickler

2. REQUEST FOR APPROVAL: SB-35 EXEMPTION. Located: T7S. R95W, Section 16. Tract of land approximately 1/2 mile west of the Town of Parachute. Applicant: John Wix

Applicant's representative, Joe Hope of High County Engineering and Gary Watkins of Watkins Realty came forward.

Both applicants withdrew their applications and will reapply. There were no questions.

PUBLIC MEETING:

Consideration for Approval for Final Plat for the Condominium Map of Clubhouse Condominiums, Lot 4, Aspen Glen Clubhouse and Clublodge

This is a request to amend a plat. They have built two condominiums on the lot which allows two family dwellings that can be side by side townhomes or on top of each other, so they are amending for condo purposes and will be conveying air space. Larry Green represented clients and had a power of attorney. Plats allow separate ownerships to be acknowledged. Mr. Green noted that a year ago they did an amended final plat for Aspen Glen which created 5 lots, and each lot was specified to have a duplex unit constructed on it to be later 'condominium-ized.' (2nd amended plat created those 5 lots.) The first building is done, so they're now creating the individual air space units in the building. It's an upstairs and downstairs unit with limited common elements of ground, garage, walkways on each unit. As buildings are constructed on the other four lots, there will be four more condominium maps and ultimately 10 units. Don DeFord noted that this is a newer process and asked Green to address Board so they could be aware of it. Originally, it was on Consent Agenda and future ones would be as well unless Board has questions. DeFord has discussed with Green the necessary covenants, homeowners' requirements and is satisfied those are in place. Green noted this would be considered technically a resubdivision under Section 7 of the Garfield County subdivision regulations, and Section 7:30 says a redivision including a conversion into condos may not be required to go through entire subdivision process if Board determines that those requirements are satisfied by reference to the preliminary plan and/or final plat for the original subdivision. He asked that the Board, in their motion to authorize signature of the condominium map, find that the provisions of Section 7:30 have been met. Don DeFord concurred. Commissioner McCown wondered, in view of the future four additional lots, if there was anyway to do this in one plat. Green said the problem is that the airspace unit can't be created until the framing has been completed on building. He thinks they will do two buildings now, so maybe those two could be done on one plat, but depends on construction scheduling. Commissioner McCown moved they approve the final plat for the condominium map of Clubhouse Condominium Lot 4 of Aspen Glen Clubhouse and Clublodge, and that Section 7:30 be included with Chair being authorized to sign the plat. Stowe seconded, carried.

The next matter discussed was the bike path. Green said that when they met with Ed and Mark at the site, the engineer was going to look at how to bring bike path down to the County Road 109 on either end and look at different alternatives. He has not heard from him, but will call him. All parties said they would like it resolved.

Commissioners were notified that ex-Commissioner Dick Jolley passed away and they will do appropriate notification and recognition.

Went into recess until 1:00.

COMMISSIONER ACTIVITIES:

Ed reported that as a result of the commissioners not being reelected (some were on the CCI Board as well), they are looking for commissioners on the board for the health pool. Also, Walt mentioned that next Thursday, 11/30, Ruedi & Power has a tentative meeting. Will confirm time and place later.

HUMAN SERVICES COMMISSION:

Renee Brown, Division Director of Colorado West Mental Health, which serves 10 counties, spoke. She manages the Mental Health and Substance Abuse services for Garfield County. She presented a program brochure on psycho-educational classes and some demographics of clients. This county has three program locations: Pitkin County, Rifle, Hwy. 82, and two residential programs: Detox and the Halfway House Program. They also have two juvenile residential programs consisting of detention (Juvenile Program) on

Hwy. 82 and the joint program (Youth Recovery) with Valley View Hospital. Fifty per cent of outpatient services are provided outside of the office area with home-based services, Mt.. Valley Developmental, nursing homes, schools, etc. She explained the organizational chart. She addressed two new shifts made this past year such as moving to a behavioral health organization, which means they will move to integrate the recovery and mental health services having one program director oversee those. Staff recruitment and training will incorporate this shift. The majority of patients treated don't have an isolated illness; substance abuse occurs with a mental health disorder. They are offering more psychiatric help to substance abusers, and getting mental health professionals up to date in substance abuse treatment. They are also providing more programs for the Halfway House, especially for the increasing problem of female substance abuse. Several agencies are pooling resources for the resulting increase in child-care for these programs, with the goal to break the cycle and help these clients have healthy children. Six beds designated for this program are being utilized. If they get to build the crisis stabilization unit, a portion of that facility would be designated for the transitional living center for the program she just discussed. This is not a short-term treatment program because it takes longer than a month to see results. They contact other agencies, such as Healthy Beginnings, for health care for mother or new baby. They have also written grants for Spanish speaking therapists. They receive funding from Garfield County for crisis services through the Human Service Commission.

Commissioner Stowe moved to go into Board of Health, McCown seconded; motion carried.

BOARD OF HEALTH:

Mary Meisner reported that Lisa, of Healthy Beginnings, was unable to join them, but left a flyer. Mary distributed a report and gave brief update on the WIC program. They have 850 clients with full staff, in spite of challenging year. Foreign travel continues to impact immunizations; her office just received the flu vaccine. Seniors in Parachute, Rifle and Glenwood Springs are getting vaccinated. Next year they will order vaccine from several different suppliers so they are not dependent upon one supplier. They have been going through the Dept. of Health, which makes it cheaper, but also makes them dependent upon one supplier. They can use the Dept. of Health supply for the Seniors and pass on higher costs to others. She updated them on Well Child health program, which is giving medication administration health classes. EPSDT worker is requesting reduced hours. Dental Task Force received \$10,000 from the Aspen Foundation, to expand services in Basalt area and Rosie Wheeler is the new coordinator. Lift-Up was the pass through agency, and that will change to Catholic Charities with the benefit of a more regional approach serving up-valley. Gave update on Columbine Family Health program which is looking at more coverage of the western end of county. Will expand up towards Eagle after Garfield is covered. Dr. Brokering received a certificate from the Colo. Dept. of Health & Environment for his role as medical advisor. She would like to have a potluck lunch in January about the time of the Board of Health meeting, so Commissioners could partake and help award this. Request has come from Battlement Mesa Realty Partners for maintenance fee for office rental space for the outreach clinic in Parachute. They donated a lot of help and remodeling for the new clinic. Meisner said they are outgrowing shared space at the Resource Center in Carbondale, so Re-2 is offering a double-wide trailer, complete with new carpet and paint for a \$75 maintenance fee. Commissioners wanted to know about contract on lease for Healthy Beginnings; Mary said she will follow-up with Lisa. Flow chart is coming along. The next committee meeting will be Dec.5, at 1:30 pm. in Rm 301. There were no further questions.

Commissioner Stowe moved to go out of Board of Health, McCown seconded; motion carried.

Collett had nothing for Commissioners to sign as Board.

BOARD OF SOCIAL SERVICES

Commissioner Stowe moved to go into Board of Social Services, McCown seconded; motion carried.

Commissioner Stowe moved to go out of Social Services, McCown seconded; motion carried.

WHITE RIVER NATIONAL FOREST UPDATE:

Martha Katel, Supervisor of the W.R.N.F. was present, along with District Rangers, Dave Silvius (Rifle) and Bill Westbrook (Sopris-Carbondale). The men introduced themselves and described their background.

She provided a packet on the status of the Forest with respect to the County. Steve Sherwood will be the new Deputy Forest Supervisor. She described demographics of comments on Forest Plan. Sixty % were from individuals (which is high); there was one from every state and 76% were Colorado letters. There are about 1000 different issues expressed. Skiing is not a big issue--only 8%. Highest percentage was travel management. She addressed Commissioners' comments in support of Scott McInnis' and Dick Woodrow's alternative to the plan. Forest managers agree that "blending" features from alternative plans is the way to go. McInnis' comment was the most well developed. She also addressed the Commissioners' water concerns. The Forest Service is working with attorneys to revise draft language. The issue still remains on Federal versus State rights, because that hasn't been resolved in courts. August, 2001 is the final date to release the Travel Management Plan, 90 day public comment with 2002 for final. Also looking at lynx habitat management to not be in plan, but rather have standards., so there will be guidelines on timber, roads, recreation from a blanket prescription regardless of what management area. Commissioner McCown raised the idea that grazing would be impacted if there's a prescriptive use placed. One ranger thought there might be some impacts on access or permit administration, but the main issue about travel for lynx is in winter with snow impaction, and permittees don't usually go out then. (Commissioner Martin said a lynx was seen in South Canyon, stalking along the dump.) Recreation will be impacted by guidelines, so it concerns Commissioners. Discussed Facility Management Plan which will identify buildings they need to keep or dispose of, correct location, etc. The old post office building where they are now will be looked at. This will take coordination and legislative approval. Any changes in location will involve the Commissioners and community. Consolidation with other related agencies is always on the horizon. Commissioner McCown related community concerns of employees using a lot of parking, along with the benefits of their spending in community. Commissioner Martin asked about cow-camps and survival cabins being eliminated. Martha said they are just looking at buildings used for administrative purposes and in this area outside of forest boundaries. If they do dispose of these, it will provide some opportunities in the private sector. She said they are not planning on reducing communications site, such as at Sunlight Peak.

She gave reports on fires, showing lightning to be the most prevalent cause. The Forest Service has gained over a billion dollars nationwide in budget to combat fires, etc. So, there will be more seasonal employees and equipment. Will be doing more prescribed burns, among other things, to manage vegetation. Their regional forester is going to Washington to head up that initiative for the whole agency. and they're getting a new regional forester in Denver, Rick Cables.

Dave discussed the South Grizzly fire. Commissioners think there needs to be a quicker way to evacuate people in danger of being trapped, such as the 200 Boy Scouts this year on the Flat Tops. The incident team didn't think it was necessary to evacuate and the County thought it was prudent. Martha said there was County representation in the discussion at the time. There was some confusion on road closures, but the road leading out was never closed, just warnings by flag people that there might be major traffic in and out. The Forest representatives appreciated the feedback from the Commissioners and said they would pass it on to fire management staff.

Dave also discussed the blowdowns at Baylor Park and Buford/New Castle. He presented photographs, news articles and maps of alternatives for Baylor Park. Buford (8/18/99) is being called the Clark Cabin blowdown and is primarily located in Pitkin and Mesa counties, but proposed haul route is coming down Forest Service Rd 300 to County Rd. 117. They recognize the concern of hauling 10 million bd.ft. of timber through a residential/ski area and Glenwood Springs. An alternative would be through Reservoir Park and down East Divide, but that route is too steep in current form and would be cost prohibitive to relocate road, so it was abandoned as a viable alternative for the timber sale. They are now looking at ways to minimize impact and will be working with Tom. Commissioner Martin reminded them of future road constructions and roundabouts at the intersection of 116 and 117. The City design team has been reminded there will be log trucks to accommodate. Dave said the draft EIS will be out shortly, with a 45 day comment period and salvage to begin next summer. They also have other projects to reduce Spruce bark beetle outbreak. Clark Cabin blowdown (6/26/00) salvage efforts will start next summer. Environmental assessment will come out late Winter.

They have cooperative effort with County on gravel at Hiner Springs. Commissioner Martin reminded them they can't go down 7th St. in New Castle anymore. Dave said they've already worked with the Town on

routes, timing restrictions, etc. on another timber sale. Baylor Park will have similar issues. Commissioner Martin said Tom will be the point person to bring them up to date on haul routes, etc. Commissioner McCown pointed out that hauling gravel down those roads will be a priority next Spring.

AIRPORT ISSUES:

Gordon Hangar Lease Agreement

Kenny Maenpa, Airport Manager presented an update on the Gordon Hangar lease agreement. David Gordon of Gordon Consulting was present. Kenny highlighted the lease terms, those being a 2 phase project with construction of four executive style hangars (60 x 60), 30 yr. base term lease with two 5 year punch list options. He detailed square footage, cost and other changes. Commissioner McCown moved to approve with Chair authorized to sign the Gordon Land lease agreement, Stowe seconded; motion carried.

DHL Worldwide Express - Office Lease

The second item was the office lease with DHL Worldwide Express who wants to base their operation out of Rifle for their driver. Kenny consulted the County Assessor's office who indicated the average lease rate to be \$9-10/sq.ft./yr. He recommended \$10.50 with utilities included for a month to month lease of \$555/mo., which DHL has agreed to. This would be a \$200 increase over former tenants. Kenny requested Chair be authorized to sign lease with DHL if terms are acceptable. He was asked if there was a way to isolate utilities, but he indicated that due to design of building it's difficult, so that's why he built in higher rate. Since his office is adjacent, he would be able to control potential abuses of utilities. This site would also afford DHL security for their vehicles. Commissioner McCown asked if there was anyone to replace J P Avionics. Kenny indicated there doesn't seem to be anyone qualified at this time, but the advantage of a month-to-month lease is that if that changed they could displace DHL to another section. He gave information on DHL services, such as shipping large cargo and parcels.

Commissioner Stowe moved to authorize Chair to sign after Carolyn reviews lease and DHL signs, McCown seconded. No further discussion; motion carried.

Airport Certification

The third item concerned airport certification, which currently the airport is a certificated air carrier, but has not had any air carrier service for over 15 years. He requested they discontinue their 139 certification to avoid liability and costs. The airport is a general aviation airport and does not receive anything special from the FAA for being certified, so he recommends they come under the annual safety inspections with the State Divisions-5010 inspections. Some concerns would be if airlines could divert to Garfield County if they chose to and, under F.A.R. 139.1, they could make weather diversions. A 139 certification is driven by airlines and this could be reissued within 90 days after inspections. The State Aeronautics Division prioritizes airport improvements, not the FAA. Thus, he recommends they no longer maintain certification, and the State supports this, as well as the FAA, which is confirmed by their letter. Commissioner McCown would like to see another way to get the State out here without giving up the 139 status, because he doubts the reliability of the assurance in the letter. Kenney said he has seen inspectors readily available at other airports and just because Garfield is a 139 airport doesn't mean it will get that service. Security and building improvements would have to be made first. Commissioner Stowe asked who from the FAA would re-approve 139. Kenney said this comes out of Seattle and they periodically do inspections for the northwest region here., so it's not likely to be a problem.

Commissioner Stowe moved to change to general aviation classification, McCown seconded; motion carried.

Airport Status Report

The final item was the airport status report. All work has been completed and FAA completed final walk-through on the taxiway. There will be a change order for electrical work which added \$2000 to the project, and there will be an amendment to change design engineering work. Overall the project is \$40,000 under budget. Fuel farm improvements are completed. There will be public meetings in January or February on the Master Plan Update. Gave report on fuel sales, which showed increase due to closing of Eagle County

Airport for two months. More planes are changing to turbo prop, so there's less quantity of avgas sold. Airport operations costs are up 16% and jet, turbo prop are 50% higher. Discussed hangar construction/prices.
There were no other items to discuss.

A motion was made by Commissioner McCown to adjourn, Stowe seconded; carried.

Attest:

Chairman of the Board

NOVEMBER 27, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 27, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

REGULAR WORK SESSIONS

Commissioner Report:

Walt - Reudi Water & Power, Thursday, tentatively at 5:30 (needs confirmation on place); Criminal

Justice Board of Review, Friday, 10:30, Rm 402;

Incident Management Program Implementation, next Tues., 8-10:00 am., Rm 301

Larry- Associated Governments, next week in Grand Junction, 10:00 a.m. to tour new City Hall, 10:30 a.m. regular meeting; next Friday, employee Christmas lunch

John - CCI, Colorado Springs, next 3 days; Thurs. eve., Soil Conservation Annual Dinner at 1st Choice Inn. John asked for preferences on committee sign-up

Larry said he would take a renewal on current ones; Walt was open.

Chairman Martin gave an update on 4-Mile Road, which is paved. He thanked the main parties involved. There were some rocks dislodged, so that may be an ongoing problem in the winter time. A rock wall has been requested of contractors, so it's something they need to finish this week, and road department will keep an eye on it.

CONSENT AGENDA

A. Approval of Bills

Commissioner Martin asked for approval of bills. Commissioner McCown moved bills be paid, Stowe seconded; motion carried.

B. PUD Amendments - Spring Valley (Chenoa)

Commissioner McCown made a motion to approve the resolution for the PUD amendment for Spring Valley Ranch (aka:Chenoa) and Chair be authorized to sign said resolution, Stowe seconded; motion carried.

SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS

Henry Building Design

The first item was the Henry Building Design, with Chuck Brenner, Randy Withee, Tim Arnett. ? discussed the cover letter error in second column, 2nd line item on "architectural," which should read "1500" instead of "1200," so total increase would be "8,440." Chuck, Tim, Ed, Rich Alary and Walt met to discuss the Henry building. Referred to memo regarding that discussion, which centered primarily on adding an access way to second floor for emergency purposes. They also need to look at mechanical and electrical. Currently heating is electric ceiling panel, but will look at boiler in existence in basement to put up water baseboard heat. Electrical code requirements will be examined, as well as removing some high brick windows from east side to get more natural light. Probation area also needs examination of electrical problems showing up in computer fluctuations. Heat fluctuations with interior/exterior walls need to be examined. Service to building will involve more than meeting fresh air supply. Commissioner Stowe concerned about reducing \$ amount with mechanical and electrical. MKK suggests the County try to track the circuitry throughout building. He has approached B&B on pricing to do this and reduce the mechanical work down from \$6940, not to exceed \$5000 increase. He estimates it would cost around \$1000 but has not

heard back from B&B. MKK electrical engineers could make a tracer available to the county to trace the circuitry, also. Commissioner Stowe asked the Board to look at increasing the architectural from another \$1500 and to look at the mechanical not exceeding \$5000, depending on what they hear from B&B. There was discussion of stairs and windows, emergency exits inside and outside. Commissioner McCown wondered if other electrical contractors could be approached.

Commissioner McCown moved to approve the amount for architectural, mechanical and electrical not to exceed \$8440 increase; Stowe seconded. Motion carried.

Landfill Office Building

The next item was the Landfill Office Building discussion with Tom Russell. They have been looking for a gate house for operations and have explored every option and have settled on a mobile office found in Denver, since they are cheaper there. He asked for their thoughts and approval for purchase. McCown asked for estimates on well and holding tank. Holding tank is around \$1500, and well estimates range from \$3000 to \$3500. McCown asked why they couldn't put in their own septic tank and leach field. Colorado Dept. of Health won't allow them to do it within landfill operations. The well will be a monitoring non-potable well. There are already some out there and water tests good, but location is so far away from site, that pipeline would exceed the costs of new well. This will be a dual purpose well on the uphill end of the Landfill. Money is budgeted for these costs. This office will be affixed to the scale house. McCown questioned the option of building partitions between the two buildings, given the longevity of these units. Russell said a breezeway will be built, in case they have to move units. They won't alter either building to keep them from being a self contained structure. All the wiring is bundled and ready to be installed by their crew, but there will be some charges to disconnect and re-hook by licensed people.

Commissioner McCown made the motion to approve purchase of a 1997 GS 1256 Mobile Office including the foundation and interior improvements as noted on #2 for an amount not to exceed \$28,240.00. Stowe seconded; motion carried.

Contracts - County Attorney and County Administrator

In other items, Don DeFord presented the contracts for engagement of services for himself and Ed Green, for signatures.

3rd Amended Subdivision Improvement - Four Mile Ranch

Don presented the 3rd amended subdivision improvements to control the status of 4-Mile Ranch until next Spring. Discussion ensued on specifying what contractor needs to finish, such as rock barriers, retaining walls in conjunction with Road & Bridge input. Date of completion should be specified as July 1, since there are removal issues. Contractor needs to give cost estimate and deposit accepted amount, not engineer's specified amount; needs to be in SIA. Commissioner Martin asked what the County had to fall back on if all is not accomplished in agreement. Contractor/builder is in breach of the SIA, right now. County can vacate the subdivision if they have to. DeFord asked for any other concerns.

EXECUTIVE SESSION

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss Nystrom, Silt litigation and personnel matters; carried. Mildred, Commissioners, attorney and Jesse were asked to remain.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

REGULAR AGENDA - BUILDING & PLANNING ISSUES:

PUBLIC HEARING - ASPEN EQUESTRIAN ESTATES PUD - APPLICANT: ASPEN EQUESTRIAN ESTATES PLANNED UNIT DEVELOPMENT; APPLICANT: RONALD B. LISTON AND JAY WEINBERG.

Don DeFord, Mark Bean, Ron Liston and Gregory Register were present.

This was a public hearing for request for approval on the text amendment and plat amendment on Lots C8, C9, C10 & 11. Gregory Register represented applicants. Notice, 30 days public's notification and proof of publication were adequate.

Exhibits were presented and admitted: A - Public Notice; B - Comprehensive Plan, Area I; C - Zoning Resolution as amended; D - Subdivision Regulations; and E - Staff's Report with Attachments.

Chairman Martin entered Exhibits A - E into the record.

Witnesses were sworn in. Register stated that this is a request to adjust the building envelopes, their respective zone text and correct other existing incorrect zone text. He read the description of the proposal. He noted that the proposed Plat Amendment cannot be approved without the prior approval for the proposed Text Amendment. He reviewed the relationship to the Comprehensive Plan and the Subdivision Regulations, Zoning Resolution. He read additional Staff Review which suggested that this would maintain the intent of the PUD to prevent any adverse visual impact on Hwy. 82. He addressed Section 9, Recommendation on page 5, with conditions 1,2,3 and the Planning Commission recommending approval. Section 10, the second Recommendation from Staff is regarding the Amended Plat with conditions 1,2, because Planning Commission does not make recommendation on such. He asked for questions. Commissioner McCown didn't see 25' distance noted for setbacks on plats they were given. Register said it didn't actually show it, but it would if you measured it using scale, and offered to have it put on for further clarification. McCown decided that the notes and the measuring would suffice. Commissioners want it restricted to one story.

Commissioner Martin asked for Public Comments. There were none. Commissioner McCown moved to close Public Hearing. Stowe seconded; motion carried.

Commissioner Stowe moved to approve the Text Amendment as per recommendations of the Planning Commission, with maximum building height limited to 18', one-story, within 70' of rear lot. McCown seconded, no further discussion; motion carried.

Commissioner Stowe moved to support the Recommendation of Staff in approving the Amended Plat with the conditions attached. McCown seconded, no further discussion; motion carried.

PUBLIC MEETINGS:

a. REQUEST FOR APPROVAL: REVIEW OF THE PROPOSED SUBDIVISION EXEMPTION.

LOCATED: 1/2 mile south of Glenwood Springs, off C.R. 163. Applicant: William E. Edmund A. and Isabelle Prehm

Don DeFord, Greg Butler, and Rick Neiley, Attorney for the Applicant were present.

Applicant was questioned on proper notification. Rick Neiley, attorney, spoke to this. He said a title company was consulted and prepared list, and attorney added Westbank subdivision property owners. All public land owners they could identify were included. Mineral owners and lessee of record were notified. Attorney said they have proof of mailing, but not necessarily receipts back from everyone. Property was posted giving notice. Applicants were questioned on dates and it was noted there was adequate notification. Chairman Martin called on Mark Bean., who described property and proposal of splitting a 191 acre tract into 4 parcels, approximately of 4, 4,4 and 179 acres each. The applicants qualify to receive up to four lots by exemption if property has been in existence since 1973 which their attorney says it has. Zoning is agriculture rural density which allows for minimum lot size of 2 acres. The smaller lots will share a domestic well and applicant has obtained contract with West Divide Water Conservancy District to obtain new permit subject to conditions. Described water solutions, described access, etc. Will use individual sewage systems. County Road & Bridge Supervisor has done an on-site review of road. Copy of letter from Mr. Belau, P.E. faxed to Tom Russell was included. Tom has not had opportunity to respond to proposal, so it's still Staff's recommendation that applicant needs to develop a road plan prior to approval of the exemption plat for review and approval by the County R & B supervisor. Tom was looking for a graphical representation to correspond with the verbals. The Fire Dept. has notes for certain changes. and that should be included in plat note. Pond and hydrants need to be installed prior to signing of exemption. As long as there is no development farther down along river, there should be no floodplain issues, but there should be a note there is a floodplain in that area and will require special permit. Covenants did not deal with exemption rules regarding dogs, and also right-to-farm language needs to be included. School site acquisition fees are appropriate. Staff is recommending approval of proposed exemption application subject to conditions listed on pages 4,5,6.

Chairman Martin asked for questions. Peter Belau spoke to the questions on road improvements, and said they will construct turnouts to allow vehicles to pass each other on the narrow parts. They also agreed to

install a guardrail along road. Improvements will be constructed by the person who has contract to buy property and doing development. He thought that the Fire Dept. requirements on pond and hydrants might be difficult to complete, given they only have 120 days to return exemption plat back to Commissioners and the time of year. They will do improvements this winter, but can't install pond liner due to the season and requests it be changed to 'install prior to building permit.' Also, he thought the 1986 Floodplain Study would be updated in future and this needs to be delineated on the plat that it is subject to revision. This was agreed to. The existing farmhouse will probably remain in short term, and removed in long term. The 179 acres will eventually be divided into 35+ acre tracts with small building envelope sizes and common open space. The four acre units at this time are not for accessory dwelling units.

Public comments were asked for. Mr. Larson introduced himself as an attorney for the Lazy H/11 Ranch, which is a neighbor east of the subject property on the other side of the Roaring Fork River. The manager of the ranch, Carter Jackson, favors this type of low density development, but is concerned with the triangular piece of the 191 acres on the easterly side of the R.F. river, being 6-6.5 acres. It has been used the past 45 years as part of the Carter Jackson ranch and is considered to be part of his property. So, there's a legal issue regarding an adverse claim of this ranch. Mr. Jackson would like to ensure no development occur on this tract. He has encumbered his property with a conservation easement to limit development and is looking for some assurance there be no development on that tract. Mr. Larson's suggestion to Mr. Neiley is that building be restricted and not permitted on that portion. It seems to be consistent with their objective and intentions to subdivide into 35+ tracts. However, one tract would include the 6.5 acres of Mr. Jackson's. The applicants have indicated they don't intend to build there, but unless they commit to an understanding, then Mr. Larson and his client would oppose the application on the grounds that there are insufficient assurances provided for of non-development on that property. They would also oppose for a more basic consideration--that the applicant doesn't have good title to the property, and Mr. Jackson would take steps to prove it. So, they are recommending that the Board would require representation or commitment to that effect on that acreage. Also, Mr. Jackson would continue to use that property in future as he has in the past.

Mr. Jackson came forward and expressed his concerns. He would like to retain his legal fence he has maintained over 45 years and graze the area.

There were no questions for Mr. Jackson. His daughter, Sandy, spoke and said the rest of the family/ranch supports this endeavor and would like to see this referenced acreage stay as open space as part of the conservation easement.

Glen Jammarron, adjacent property owner to the six acre piece of Mr. Jackson's, said he did not receive any notice of this whole process. He did see it through his father, owner of L & J Family Limited Partnership, which is also an adjacent property owner. Feels something was flawed in this notification. He represents his family and is supportive of the plan at Prehm's place. He thinks Mr. Prehm's intention was to place that 6 acre tract in a conservation easement.

Steve Smith introduced himself as being of 63 116 Road, which leads to 163 Road from the north. His primary concern was about maintaining the natural state of the river's edge, maintaining the natural flow and vegetation on 4-Mile Creek and avoiding damage to the slopes along the access road. In looking at the stakes for construction, he thought this was a better way than a full-fledged road, but wants assurance that road plans avoid sliding slope, erosion and construction debris going into the river. He hopes the owner of land below road, City of Glenwood Springs, protects this. He questioned if there would be future opportunity for more public comment on detailed construction plan for that road proposal, before approval. Commissioners said there wouldn't. Mr. Smith recommended there be emphasis on what he mentioned, even constructing retaining walls. Regarding the property, he urged the new owner to continue the fine tradition of the Prehm's care of the property and urged the County to impose any regulatory mechanisms to that effect. He wanted County to specify where building construction and alteration limits are toward the river and protect the creek. Mr. Smith asked at what point would they get to see the overall plan for this property and get to comment on it; does this just come piecemeal over the years? He also said because it's 35 acres or more there's no opportunity for comment at all. He asked if there would be any public notice to know or be aware of how many houses are going to end up out there? He understood that there could be eight or nine total places. Anything beyond the eight or nine would have to come back to the County Commissioners. Mr. Smith thanked the Commissioners and said that anything they could do to require that

rocks not be dumped down the slope and not gouge the upper slope and everything they could do to keep the houses away from the river, he said he'd appreciate it. Mark Bean, Head of the Planning Department, said that he believed building envelopes have been established on the three four acres and they are identified above the twenty-five foot setback and above the rise that is there as well on the shelf, so that they are not in direct line. Chairman Martin said that that isn't necessarily a requirement unless one makes it included in the plat itself. Mr. Bean said the map shows that that is above the flood plain and also above the lip of the ridge in all three areas. Chairman Martin asked if anybody else in the audience wished to make a comment. Mr. Bean said he would like it noted that he did not include a recommended condition in terms of the fire protection measures and he has no problem with what Mr. Bayless is proposing for a fire protection plan be installed and approved by the Glenwood Springs Fire Protection District prior to the issuance of any building permits, would be an additional condition as far as that goes. Don DeFord had an additional comment that one should keep in mind that this is not a subdivision, so when we are talking about improvements, unless one imposes a requirement one is not requiring the developer or the applicant to do any of those improvements. When there's a requirement that these occur before the first building permit you are putting the burden on the first person to come for a building permit or the first lot purchaser. Commissioner Stowe said there could be a requirement on the plat to extend the plat deadline at a later point. Mr. Jackson said that was why he was encouraging discussion of this because there needs to be a mechanism for cost estimates and payment for improvements. Mr. Stowe asked Mark Bean about a property deed across the river; it is up in the air as to who owns that. He said, if this did divide into 35 acre lots, would we be in a situation where there's a geographical feature separating that. Mr. Bean said there is no longer that provision in the regulations. He continued that one way to deal with this is a plat note restricting development on that side of the river. Another would be to ask that the applicant convey the disputed property by quit claim through a boundary line adjustment prior to actually plotting the lot itself. That is another acceptable way of dealing with it. Walt Stowe said they could use that six acres. Mark Bean said he had not done the math. Commissioner Stowe said they'd need 175 to get five of them. He continued by saying that by looking at the map, assuming it's accurate where those lots are, looks like the river bank itself has been left open. Could they designate part of that 35 acres as a conservation easement similar to what Dr. Jackson has done, or not, when they later subdivide those 35 acres. Jeff Laurint said he believed the answer was "yes, they can"; he said he was not sure what the process would be. He suggested that the attorneys present could advise better than he. Glenn Jammaron talked about using the river banks as part of a conservation easement that would be open to the public. Attorney Neiley asked to address the issues that had been raised regarding the six acres and the 4 Mile Creek river frontage. He said first that he could not speak to the issue of adverse possession; he was notified of this issue on the 22nd of November by Mr. Larson's letter. He said he immediately responded to them in the same way he will respond today; the intention of this project is to maximize the preservation of the Roaring Fork River corridor and to sterilize the six acres across the river either by way of conservation easement or other development restriction. He said that also applies to the 4 Mile Creek corridor which they would also want to preserve in its natural state. He said they faced something of a dilemma in being able to do that at this point in time because of two reasons. First, is that once this process is completed, as you know the Prehms are going to sell the ranch, it will be the new owners that will be placing these restrictions on the balance of the ranch. Of equal importance to us is the fact that there are significant tax benefits from dedicating conservation easements on a property such as this. Neiley continued by saying that they want to be able to take advantage of those if a conservation easement is a requirement or if a note for a development condition is a requirement of approval. It eliminates the tax advantages for at least those portions of the property to which those development restrictions attach by action of this Board. Mr. Neiley said that Mr. DeFord has noted that this isn't a subdivision and is not subject to all of the restrictions that might otherwise apply. In responding to Mr. Larson's letter on the 22nd of November, Mr. Neiley did tell him that they would make the representation here today as to what the intention is with respect to the property. Mr. Neiley suggested that the commissioners know from the memo that came from Mr. Bean, that those representations are binding. Mr. Neiley's representation today is that they do not intend any development on those six acres. We would like to work out with Mr. Jackson and his family the concerns that he has raised. We don't have any particular objection to continuing running cattle on it, although we would like to preserve the river corridor from damage that might result from cattle right on the river. We do intend to create a conservation zone probably by way of conservation easement along the entire Roaring Fork River frontage and along the entire riparian corridor of Four Mile Creek. Those are issues which we had intended to take up after this exemption was granted, hopefully. At such time as the overall plan for the ranch had been finalized; going

into this, however, there isn't any question from our point of view that we can make a representation to you in good faith. The intention is to preserve to the maximum the river corridor, the six acres across the river, and the Four Mile Creek corridor. We appreciate the same concerns that the neighbors have raised with respect to this property. It is a unique piece of ground and we want to keep it that way. From our point of view that's what creates the real value in it, and it has been protected for a long period of time; we want to see that continued. The slope issue that was raised with respect to the roads we are also sensitive to and I'll leave that to Peter to discuss. Our development's going to occur on the uphill side and I am certain we can create a protective mechanism so that we don't dump stuff over the edge into the river and into the dump. That type of concern is acceptable from our point of view as a condition of approval since the condition of approval also relates to the development of the road improvements. I think those are sufficiently intertwined that this Board can say they want to be sure you don't do anything to degrade the slopes that dumps debris down the hillside. With respect to the issue that was raised regarding the time for completion of the road improvements. We would certainly agree that a plat note can be added which would say that until those improvements have been completed, no building permit will be issued, that would put any future purchaser of a lot on notice that those improvements have to be performed before they can build. We think that provides adequate security in that as practical matters it means that none of the three exempt lots can be sold off to any buyer who looks at the plat and says if these improvements haven't been completed I can't get a building permit. Effectively that sterilizes those three lots from future development until the work is done. That provides a significant bond to insure that the work is performed, because otherwise, those lots are effectively unsaleable. Mr. Neiley wanted to emphasize the dedication of this project to the preservation of the river corridor and Four Mile Creek. They are actually looking at expanding in what all probability will be conservation easements on to all of the upper slopes of the ranch probably the upper meadows with some recreation use associated with that and perhaps even some development of water on the property associated with the upper meadows. The intention is to create in the long run very well defined home sites and significant restrictions on the future use of the ranch. Mr. Neeley suggested that the Board could tell from the draft covenants which have been submitted that the intention from the beginning with respect to the exemptions as well future lots on the property, is to create an environment that preserves the maximum amount of this ranch in its existing condition and creates well-defined and properly located building envelopes with the balance of the ranch being essentially wildlife and riparian habitat preservation zones. John Schenk said he appreciates that they were not able to totally satisfy Mr. Jackson. Mr. Schenk said he understood Mr. Jackson's concerns both about the ownership of that land and about what happens on the river. The State of Colorado has offered some very generous tax benefits from the implementation of conservation easements, and we would be remiss in planning this not to keep those open to the developer. The purpose of those, of course, is to encourage exactly what we want to do, that is to put extensive conservation measures on to the property. That's our dilemma because we can't do it beforehand because we don't own the property yet, and we can't do it as a condition of approval for this process because that eliminates the value to them. That's the best representation I can make; if you want some more detail about it, ask away. Commissioner McCown said that basically the last speaker was saying "trust me though" and once the Board approves the four lots, and the transfer takes place, the thirty-five acres will no longer be in the Board's purview. Mr. Neiley said they were not asking for the Board to trust them, on the other hand because of the provisions of the code that make representations binding upon the developer, for us to come in here and say that this is our intention to place conservation measures on the riparian habitat zones, the river frontage, and the upper meadows is a condition that this Board can take into consideration in granting the approval. He said the Board could consult with counsel as to how they might go about enforcing that; certainly if someone were to come in down the road and say that they wanted to put a PUD on the land with 80 homes and develop the river frontage as a park. I think you could turn back to us and say that that is not what was represented when the public hearing was being held regarding the exemption process, and when the public stood up and raised these concerns. We get into a gray area of how far we can go in an exemption process and how far the enforcement can go down the road with respect to the representations I make here today. This process is going to happen very quickly once we get through the exemption process. It is the intention to start the improvements this winter and hopefully have the entire regime in place by the Spring of the year 2001. Walt Brown asked to add that there are some existing regulations in place to protect those areas. The lots adjacent to the river is within the flood plain, and no development can occur there without getting a flood plain special use permit and coming back to you for that request. There's also a setback requirement from the high water level of both the Roaring Fork River and from Four Mile Creek. I believe it's thirty feet that must be preserved as the green space that's

part of your zoning requirement. There are protections in place within your existing regulations. Attorney Neiley asked to make an additional comment because development can be interpreted in a lot of different ways. We do plan at the bottom end of the property a drift boat take out, and possibly a small river cabin that would be nonresidential, but recreational in nature. That would be subject to special review if it were located within the flood plain. He said they do not intend any residential development; they do not intend, with the exception of what he just mentioned, any development that results in the construction of structures. There may be some limited pathways; he didn't think it would be like the paths up by Basalt with gazebos and decks. They would like to develop some defined pathways so that the bulk of the hillside above the river will not be interlaced with a bunch of defacto pathways. We are going to try and control access to certain points so we don't have the degradation of the hillside. Steve Smith asked if these would be public access pathways. Mr. Neiley responded that probably not on the west side of the river. He said they were looking at creating public access along the east side where they own property, or where they think they own property. At this point he said they need to talk to the adjoining property owners over there about that as well. Walt Stowe said basically this stretch will be private river frontage. Mr. Stowe said the property across without endangering any rights to your tax benefits with the conservation easement we said there could be no buildings put on that property. Mr. Stowe said can we make that kind of restriction on there; and would that endanger your tax benefits. Mr. Neiley said that would endanger our tax benefits because a condition of approval that prohibits development eliminates the tax benefits as it would relate to those six acres of land. Mr. Neiley said in terms of your regulations, you have no provision that would permit that access in their agreement. Mr. Neiley said I will tell you we do not have any good access as far as I'm aware to that six acres other than from the river. It is primarily flood plain and then very steep hillsides leading up to the upper bench it may as a practical matter be undevelopable under existing county regulations. Our biggest problem is access; I don't foresee any plans to build a bridge across the river there, at least not privately. Jim Larson asked to have a word with the applicant's attorney. A brief recess was asked for.

Chairman Martin asked if any other citizens who did not get to speak?

Discussion

Commissioner Stowe - Mr. Jackson points out and perhaps properly so that there may not be a lot of dollar value to this property, the six acre in dispute for conservation issues. The real problem is we don't know the exact answer to that yet and we're on five minute time frames.

Mr. Neiley - The Prehms are ready to close the sale of this property. Mr. Larson asked if we would extend the final approval here or final consideration. We're supposed to close the day after tomorrow and in fairness to the Prehms, we can't move this process out beyond where we are today. We want to preserve this property, the six acres is something we recognize we have to resolve with Mr. Jackson and their company because of the potential title claims, because of our representation here today that we want to preserve that as a conservation area. Beyond that we think we agree with them regarding what the future of that property ought to be; how we get there in this short context is something that we aren't in agreement on. We would still oppose a condition of approval that sterilizes that property because we think that it may have the potential to eliminate tax benefits for the owner down the road. Having said that, again, I think we're on the same page as to where that property ought to end up, and that's what we talked about.

Commissioner McCown said the three sites that you've carved out are kind of peculiarly located leaving that band around them as such, I assume that was done in order to preserve enough acreage to do the thirty-five acre lots and have viable building sites. That's right, and the thirty-five acre parcels are going to snake all over the place and take in the river, and then there will just be a specific area that will be designated for building and everything else will be conserved.

Chairman Martin asked if there were any other questions.

Mark Bean asked a question for Don - are the plat notes the only way to really control?

Attorney Don DeFord said no because in this case they are talking about a county road, one can require that they develop a plan for improvement of that road first of all and set a time frame for that, and security to insure that those are put in place. Would that be done as part of the driveway permit process? No, that would be the road improvement plan.

Steve Smith said it is noted that the construction of five invisible turnouts is one of the items that Peter has brought forward. To add to that would have to minimize the destruction of the upper and lower slopes and also the removal is not to be in such a way to destroy the lower slopes with debris flow, etc. But, that

would be an approved plan. The normal process as you are aware with a subdivision is to require engineered plans, cost estimate, and security before the plat is recorded.

Commissioner Stowe asked Don DeFord if in the past they had not with similar situations on exemptions required a subdivision improvements agreement on the exemption?

Mr. DeFord said we have required a modification of that improvement, but it is very rare that we've done that because we haven't had these kind of improvements to a County road.

Mr. Neiley said their intent and proposal for the road improvements is consistent with Mr. Smith's comments and I certainly would have no objection to a condition of approval including those items. Would they have a problem getting a County Road improvement plan drawn up for the Board's review prior to submission of the final plat? That's no problem at all because the surveyors are scheduled to be out there this week, and that's the information I'm waiting on. There's a 120 day time period already to get their exemption plat recorded, but if requested, the Board can extend that, and you've done that many times.

Commissioner McCown made a motion that the Board approve the exemption for the definition of a subdivision with the conditions of approval noted by staff which are to include the completion of a road improvement plan either the security or the completion of the fire protection plan all testimony given by the applicant and agreed to today would also be included as conditions of approval. Walt Stowe asked if that also included the road improvement plan. Yes he was very specific on that. That would be done prior to the signing of the final plat. The security for the road would be done at the time of the final plat signing. Commissioner Stowe seconded the motion. John Martin asked if there was any further discussion on that. Mark Bean had a clarification that both the plat and it should be the road and the fire improvement responsibility and the fire improvements have to be either be completed prior to signing of the plat or secured?

Chairman Martin - Can we extend the final plat signing?

Mr. Bean said yes we can. It is specifically noted in the condition of the 120 days.

Chairman Martin said a motion was made and seconded, any further discussion, any further clarifications? It's a "trust me" situation gentlemen. All those in favor of the motion. Motion carried.

Let's hope that you can hold true to your presentation.

b. REQUEST FOR APPROVAL: REVIEW OF THE PROPOSED SUBDIVISION EXEMPTION.

LOCATED: Northwest of Silt, approximately two miles off of County Road 260. Applicant: Paul and Charlene Bagley

Don DeFord, Mark Bean and applicants Paul and Charlene Bagley were present.

County Attorney Don DeFord talked about review of a Senate Bill 35 exemption application located NW of Silt approximately two miles off of County Road 260. The applicants are Paul and Charlene Bagley. He asked the Bagleys for the mail notifications. Mr. Bagley said he had them. Attorney Don DeFord said he had just a few questions. He asked Mr. Bagley if he used the County Assessor's records to identify property owners within two hundred feet of your property. Mr. Bagley said yes. Mr. Bagley said it was probably around the 6th of September. Mr. DeFord said based on that review did you mail notification of today's hearing to every property owner within two hundred feet of your property? Mr. Bagley said yes. Mr. DeFord asked if Mr. Bagley had included in that mailing any public land owners such as the Bureau of Land Management if they were within that area. Mr. Bagley said yes. Mr. DeFord asked if Mr. Bagley included in his mailing all mineral owners and lessees of record. Mr. Bagley said yes. Mr. DeFord asked if the property was posted giving notice of today's hearing. Mr. Bagley said yes. Mr. DeFord asked if Mr. Bagley had used the form provided by the planning department. Mr. Bagley said yes. Mr. DeFord asked when the notice was posted. Mr. Bagley said he thought it was the 6th of November. Mr. DeFord asked if that was the same time it was mailed and Mr. Bagley said yes. Mr. DeFord asked if the notice was still in place. Mr. Bagley said yes. Mr. DeFord asked if it was noticeable from a public right-of-way. Mr. Bagley said yes. Mr. DeFord asked which one. Mr. Bagley said it was off of 266 Road. Mr. DeFord said very good, and with that testimony, Mr. Bagley was entitled to proceed. Mark Bean, Head of the Garfield County Planning Department, stated that he was presenting a request for an exemption from the definition of subdivision for Paul and Charlene Bagley for a piece of property generically located approximately two plus miles northwest of Silt off of County Roads 260 and, note for the record, 266. He stated both roads are accesses there and that was why he provided the larger map. He asked the Commissioners to note that to the West there is an access to the proposed larger lots coming off of what would be County Road 260. Mr. Bean said the applicants are proposing to split a forty acre tract into four parcels of approximately 11 1/2,

11 1/2, 8.5, and 8.5 each. Each lot will have an individual well, individual sewage disposal system, access is proposed to be via County Road 260 and 266 with the two 8 1/2 acre lots having direct access onto County Road 266. The two 11 1/2 acre lots would have access via one of two proposals, basically off of 260 Road. In terms of the subdivision application, Mr. Bean would note the applicant has submitted deeds noting this property has been under the same ownership since prior to January 1973 and the applicant acquired it in 1988. Mr. Bean said the application was a little unusual in the fact that it is surrounded and includes a number of Antlers Orchard Development lots. As such, all of those are legally created lots, and so the forty acre tract that subject of this exemption request is technically now and has been a separate forty acre tract since it was originally acquired even though it comes under the same deed. In terms of zoning itself, the subject property is located within the agricultural residential rural density zone district. Each lot does mandate a minimum lot size of two acres. All of the proposed lots are in excess of that minimum. Just a quick note in terms of zoning, if somebody were to request approval for an accessory dwelling because all of these lots do exceed the four acre minimum for that, the new owners of the property would have to acquire additional water rights because the present water rights that are being proposed for the individual wells are only sufficient for a single family dwelling. Mr. Bean continued that in terms of water, the applicant has obtained three contracts with West Divide Water Conservancy District to allow them to obtain three new well permits in addition to the one exempt well permit allowed for the original forty acre tract. Staff has expressed a concern about the adequate physical and potable water available since that area had record in the past of having some difficulty in acquiring the amount of water. Mr. Bean mentioned a conversation he had with Mr. Bagley wherein Mr. Bagley indicated he has some information with regard to the water. Mr. Bean said they do have their standard requirements in terms of the drill test as well as the conditions of approval that would be attached to that in terms of testing of the water itself. The applicant proposes to, in terms of sewer and soils, use individual sewage disposal systems. The soil conservation service information submitted as a part of the application indicates that the on-site soils to have limitations due to stoniness and slow percolation. Staff would recommend that there be a plat note included that addresses and notes these limitations. In terms of the access issue, Mr. Bean would note that there is access to the two smaller lots from County Road 266 on the East. Then, the Applicant is proposing and has two alternatives, one that comes directly off of County Road 233 following along a common lot line on some AOD lots there which is the darker line it comes from the South from County Road 233. Mr. Bean said he didn't believe that was an existing road presently. As such it would require somebody to making improvements to that. Additionally, there may some dispute in terms of the ownership and ability to acquire access along that since these access easements in Antlers Orchards Lots have always been a point of contention for a number of years. The applicant is proposing due to constraints in terms of geographic constraints between the upper and lower lots to access, another alternative to the 11 1/2 acres lots, is to come off of County Road 260 through property that is owned by the applicant in terms of access easements. Staff would recommend that is the preferable alternative and that access easement formally be created and deeded as a part of any kind of approval given to the applicants after the approval of the exemption plat itself. Mr. Bean continued by saying that permits would have to be acquired for any new accesses not coming off of an existing county road, particularly County Road 266. He also said there is a letter included within the application from the Burning Mountain Fire Protection District that states the subject property is within the emergency service district beyond that they have no other additional recommendations. Mr. Bean said that in terms of school site acquisition fees the applicant would be required to pay the school site acquisition fees of \$200 for each lot created. This would result in a total of \$600 for each of those lots. The Planning Department Staff has recommended approval with a number of conditions of approval. Generically in number 2 to go to the issue of the access, the plat will have to include a legal description and mention of twenty-five foot wide access to a public road right-of-way for each lot and any proposed easements for setbacks and drainage and easement and irrigation. We may want to expand on that to describe and discuss the two different proposed accesses off of County Road 260 and 266 after we have some additional discussion with the applicants here. Mr. Bean said that unless someone had additional questions, he would not read all of those into the record right now. Mr. Paul Bagley said that as far as the water, he had all of the wells drilled last week, they were just completed. He had the reports from Shelton Drilling on the quantity of water. The quality has not been tested, but the least one is three gallons a minute and two of the lots was eight gallons a minute, and one was twelve. They were tested for two hours. Mr. Bagley continued that there is a road through from 233 now, there's an Antlers Orchards Development there now and they were all ten acre lots and they've all been developed. The road butts up right next to our Southwest corner of this thirty acre lot. He said they have six AOD lots on the west side of that forty and

on the north side that they had always figured were their access through from 233 Road. The road was there up until 1960, then they put a little short notch on 266 Road to Lot 12 which is divided into the small lots. There is a one and a five and a four. That's where our house is. We would like to use that Antlers Orchards' right-of-way. The utilities are already to the end of the Antlers Orchards access road; they are already underground, natural gas, up to about 100 yards of our fence. We would like to hook onto that to go right on up to access all of our AOD lots besides these two larger lots on this thirty. Mr. McCown asked Mr. Bagley who owns that road. Mr. Bagley said he didn't know, but that it was an Antlers Orchard right-of-way to those lots and Warren Jewell told Mr. Bagley when they sold him that place in 1988 that he (Mr. Jewell) wanted to put the road up the West side of the property, but the Commissioners would not let him. They made him put it up the AOD right-of-way which is where it now. Mr. Bagley said that is what he would prefer if they could because of the utilities, and not tearing up his fields. Mr. Bagley said they made two of the lots a little bit larger than the other two in order to preserve the fields intact and people could build on the outside edge of the cedars and sagebrush. Mr. Bean said he had one clarification in terms of the access off of County Road 266. According to Mr. Bagley's application his intent is to dispose of the property anyway, so more than likely the two tens would split off and sold separately, right? Mr. Bean clarified by saying the two ten acre lots that Mr. Bagley owns on the West side of the forty acre property. Mr. Bagley said that he might, but that he wasn't in any hurry. He said that whenever he couldn't take care of his land himself, he would start selling at that point. Chairman Martin asked if anybody else wanted to give testimony in this matter. Michael Irion, located at 0392 County Road 266, stated that his property is across the road from Lots 2 and 4 of the proposed exemption. He said he came because the staff report indicated something different from what was originally proposed in terms of access. The report had proposed that all access come from County Road 266 and so Mr. Irion wanted to say that he felt that due to topography, that only two of the Lots, 2 and 4, could be served from County Road 266, and that Lots 1 and 3 should be served from one of the other two alternative approaches. Mr. Irion said that's a very steep drop along the property line, more or less, of 2 and 4 and 1 and 3 on the hillside, and it would be a very difficult to have a driveway access go down that embankment. Chairman Martin asked if anybody had any questions for Mr. Irion. Mr. Bean said he had a question, going back to his recollection on AOD lots, is the easement through the Antlers Orchard Lots a twenty-five foot wide access easement? He said he didn't believe it was. Mr. Bagley said he thought it was thirty. Mr. Bean said it has to be at least twenty-five to meet the regulations, that's why he was bringing up the point. Mr. Bean said Mr. Bagley would have to demonstrate that there was at least a twenty-five foot access to a public road. Larry McCown asked Don DeFord that given the history and somewhat unpleasant history on these AOD accesses, is it even possible for the Board to grant access on the easement coming off of 233 if it was not a clearly defined and established easement? County Attorney Don DeFord said one cannot create any from the plat and his recollection of the AOD dedications was that they were for the benefit of the AOD lots. Because this issue has come up in the past about non-AOD lot use of those roads, so one cannot create that if it doesn't exist already. Mr. DeFord said if the AOD plat showed a road through here for those lots and was properly dedicated on the AOD plat, then it could serve those other lots, but again he didn't know if those forty acres were included in the AOD subdivision or not. Mr. Bagley said the old road used to go on the West half of the forty. It bordered the fence line. He said Hugo Reese lived there for forty years. They eventually put a little hook onto 266 Road and brought it over, so Mr. Reese quit using that access, but that forty was never in that AOD. Mrs. Bagley said the West lots were. Mr. Bagley said they always thought that their right-of-way to all of their lots that surround the forty, that was their access. Mr. Bagley said a bunch of utilities are underground there, and that's what they would like to do is to continue the utilities up on through the edge of the forty, and they were going to make an easement through the forty before they sell it to all the AOD lots so they'll have their right-of-way too. Mr. Bagley said that was their plan. Mr. McCown asked Mr. Bagley if he owned all of the property going back to 260 Road. Mr. Bagley said they own everything West and North of that forty. Mr. Bagley said he spoke with one of the men who owns a ten right beside this road where it comes into their (Bagley's) place, and he expected that that was Bagley's right-of-way. Mr. Bagley showed his map to the Board. Mr. Bagley pointed out the forty, the access road, a ten, some property that was split into a five, a one and a four. _____? said when whoever was responsible for this AOD, that's caused us more grief than you can imagine, they didn't take into consideration topography. We're never going to sell this five as long as we live here. Mr. Bagley continued to talk about what was on the map. Mr. McCown asked if the two upper ones would be most likely access off of 266. Mr. Bagley said they would get driveway permits. He said they had one access there now, so we should just have to get one. Mark Bean said he thought everything was clarified and that everybody knew exactly what they

were going to do. Mr. Bagley said they would fix a right-of-way through that forty to the AOD lots for sure, for their own benefit. He continued by saying that all those fields are serviced by an irrigation line. There was discussion about who required notice. Mr. Bagley pointed out the people who he notified. Mr. Bagley said they had not notified them. Mr. DeFord said no you didn't have to by law. Mr. Bagley said they just did what Mark told them to do. Mr. Bagley said it will be quite some time before we do that so maybe the Board would be gone by then. Mr. McCown said he appreciated Mr. Bagley's candidness about their future plans. Mark Bean said it was still the staff's recommendation that we use the proposed County Road 260 access since they have control of the easements on those properties themselves, and can provide those easements as a part of the approval for those lots. That way one doesn't necessarily put a burden on any future Boards, but they also have the ability to create those easements, and as the Bagleys have said, they have no intention of selling at this point. Which doesn't necessarily mean they have to physically put anything in place at this time, but that way somebody when the Bagleys are ready to sell these properties, will have a legal right to create the access through those areas there, and that will eliminate at least the disputes we're talking about here, and hopefully the potential disputes with other AOD lot owners. Mr. Bagley described where his house, buildings and apple orchard were located. He said the risers are going to be on his side and they were going to go underground, under the road and come up with another riser and they can do what they want to. Mr. Martin said it was time for a decision. Staff has given a recommendation, and also reiterated the access issues to be considered. Mr. McCown said there would be nothing to preclude Mr. Bagley from talking to his neighbors and getting an access later on through this other route. If we go ahead and designate as the access that way you've created a legal right if there is a dispute of the rights of other folks to come through that other area. I think that you have to at this point guarantee at least a twenty-five foot access to those lots. If one has the right to use that for a utility easement, I don't think there's any dispute there at all. That's fine. The twenty-five foot access we're talking about here is for vehicular access not for utilities. Mr. Bagley has to gain permission to get down that far. Mr. DeFord said for your future protection, if you have a good agreement with that property owner, it certainly would be to your benefit to get that easement in place now as opposed to waiting down the road when you do decide to sell the property. Again, what we're talking about here is strictly vehicular access; we're not talking about your utilities.

Commissioner McCown made a motion to approve the exemption from the definition of a subdivision for Paul and Charlene Bagley with the staff's recommendations of approval on pages 4, 5, and 6 and for the purpose of this approval that access to Lot 1 and 3 be granted off of County Road 260 at this time, and I would guess the only thing would circumvent that would be a road sharing agreement to us by Mr. Bagley from all the landowners adjacent to the road that is going to 233, that Mr. Bagley would be a participant in the maintenance and upkeep of that road and they would sign off that they have no problems with your use of that road in lieu of that it would be County Road 260 as the access. Mr. McCown said that's different than generating a lot of vehicle traffic, but if Mr. Bagley can get the neighbors to sign off and bring back a road sharing agreement, and accept some of the responsibility for maintenance, then Mr. McCown doesn't care if Mr. Bagley goes the other way, but all the neighbors have to sign it.

Commissioner Stowe seconded the motion.

Don DeFord asked if there was enough clarification for the staff.

No further discussion. All those in favor. Motion carried.

c. REQUEST FOR APPROVAL: REVIEW OF THE PROPOSED SUBDIVISION EXEMPTION.

LOCATED: East of Rifle along County Road 210, Applicant: Gregory J. and Anne E. Tamburello.

Don DeFord, Mark Bean, and applicants Gregory and Anne Tamburello were present.

County Attorney Don DeFord asked applicants if they verified property owners within 200 feet through use of the Assessor's records. Mr. Tamburello said yes. Mr. DeFord asked when Mr. Tamburello checked with the Assessor. Mr. Tamburello said the last check was around November 1st. Mr. DeFord asked if Mr. Tamburello had included in all of his mailings all public landowners if any that were within 200 feet of his property. Mr. Tamburello said he didn't believe there were any. Mr. DeFord asked if Mr. Tamburello had included all mineral owners and lessees of record. Mr. Tamburello said there were none on this forty, or at least he didn't think there were any reserved mineral rights on this forty. Mr. DeFord asked if Mr. Tamburello asked if he had a proof of publication or a return receipt for every property owner that Mr. Tamburello determined was within 200 feet of the subject property. Mr. Tamburello said yes. Mr. DeFord asked in terms of posting if Mr. Tamburello used the form provided by the Planning Department, and Mr. Tamburello said yes. Mr. DeFord asked if the sign was still in place, and Mr. Tamburello said yes. Mr.

DeFord asked from what right-of-way was the sign visible. Mr. Tamburello said the sign was posted on County Road 210 in two places, Peterson Lane in one place. This property is actually a quarter mile from any public right-of-way, so we posted it out on the public right-of-ways. Mr. DeFord thanked Mr. Tamburello for his explanation. Mr. DeFord said that with that testimony and the evidence in hand, Mr. Tamburello was entitled to proceed. Kit Lyon, from the Garfield County Planning Department, said the property according to the Comprehensive Plan 1984 lies in District B which is described as having a good ability to absorb growth, and the suggested density is no more than one housing unit per two acres. It's a forty acre property located East of Rifle along County Road 210, and the applicant proposes to create three lots about 10, 10 and 20 acres in size. The topography varies widely across the site from somewhat level to steep cliff sides. The applicant owns two adjacent parcels to the South and West of this property which are the subject of a sketch plan application. The access to the exemption lots crosses the adjacent sketch plan property to this site. Two ponds exist on the sketch plan site. The application was referred to the Road and Bridge Department, and they recommend a twenty foot fence setback, brush removal and limiting access to one entrance on the County Road, and note that a driveway permit will be necessary. The parent parcel was about 94 acres in size from which two parcels now exist: a 54 acre piece and the 40 acre piece which is the subject of this application. If the request is approved today, no more exemption lots would be permitted under Garfield County Regulations. Moving on to the comp plan discussion, according to the comp plans, slopes exceeding 25% should be restricted from development. Areas of disturbance should be revegetated and development on moderate slopes should be designed to fit the contours without any leveling or benching. Cut and fill areas should be kept in balance and to a minimum and the existing natural drainage should be utilized to the fullest extent possible. If the proposal assures adherence to the performance standards and includes an appropriate note on the plat, staff has no further concern about compliance with the comp plan. The applicant should be aware that Garfield County Zoning Regulations prohibit disturbance of slopes 40% or greater, unless certain criteria are met. It appears based on the plan and staff visit to the site that an adequate building site may exist on each proposed lot. However, it is the applicant's responsibility to identify the slopes that exist on the property and to comply with Section 5.04.02. The proposed legal access is via a fifty foot wide access and utility easement to County Road 210. The executed easement must be in place prior to finalization of the exemption request and it must be located on the final exemption plat. A road has been roughed in already and while the grade appears acceptable, the application does not contain evidence that the road can accommodate emergency apparatus. It does not contain discussion of any provision for improving the road. Moving on to water, Lots 1, 2, and 3 will receive domestic water supply from an exempt 35 acre well to be located on the adjacent property. As an alternative, the application contemplates one or more of the lots being served by a cistern. Technically, evidence of adequate legal rights has not been included in the application. However, well permits are routinely granted for properties 35 or more acres in size. In staff's opinion, the use of a cistern as a sole means of domestic water does not constitute an adequate source of water unless the applicant can produce of a guaranteed source, such as a perpetual agreement with a public water supplier, this is not an acceptable alternative. Since the well will be located on a different parcel, a well maintenance easement will be necessary. The easement needs to come into existence prior to the creation of the lots. Also a legal entity must be created to hold the easement - such as a homeowners' association. If the easement and the legal entity are not created, it is staff's opinion that a legal, adequate source of water has not been accomplished, which are grounds for denial of the application. ISDS are proposed for each lot. And, moving on to fire protection, the applicant proposes to make use of local irrigation ditches and adjacent ponds in the event of a fire, and it contains a letter from Mike Morgan of the Rifle Fire Protection District. He makes four recommendations and also requests to be contacted at the time of construction of the structures for final approval of the water supply. As long as the applicant adheres to the recommendations of the Rifle Fire Protection District, and includes appropriate plat notes, staff does not have any fire protection concerns with the application. Staff recommends approval of the application with thirteen conditions. Ms. Lyon said she would be happy to go over those and answer any questions. Chairman Martin asked if there were any questions. Mr. McCown said not at this time. Attorney John Savage said they generally have no problems with the recommendations of staff. He said they would need to get with Road and Bridge to see what they are actually talking about since this property does not border a county road. He was not sure what fences they want set back. Mr. Savage said the access point is an existing historical access point onto County Road 210. He said they will provide water through water wells and an augmentation plan. This property will actually be an exempt well. Mr. Savage said they do not have any problem with the fire protection plan, although they are calling for a dry hydrant on a dry pond at the moment. The ponds have

been constructed and they are part of an earlier augmentation plan which may be modified and right now the pond is not holding water. We may end up changing some of that and may have to ask the fire department to modify their recommendations in light of what we end up doing with the water plan. Chairman Martin asked if there were any questions of Mr. Savage. Mr. McCown said he didn't know if Mike Morgan put it in his statement under fire protection, but normally they need to insure, as you well know, access and maneuverability of emergency equipment the full length of the access that you're building with some type of hammerhead, cul-de-sac, whatever, I haven't seen a picture of this, so I don't know what you are talking about. How you are going to turn people around and get them back out of there. But, it has to be adequate for emergency egress and ingress to occur. Mr. Savage said they would end up with a cul-de-sac fifty foot in diameter. He said he thought it was a forty-five foot turning radius at the top. Mr. McCown said he wasn't sure what the requirements are, but he wanted that to be a condition of approval so that they can get equipment in and out. Mr. Tamburello said the 10, 10 and 20 acres may modify slightly when we go up and stake the actual lines. He said we may shift those a little bit to make sure we have building envelopes that comply to the code and that make sense. Ms. Lyon said she thought that Item #7 goes to that issue which says the access roadway to the parcel shall be constructed adequately to accommodate the weights and turning radius of the emergency apparatus. She also said she wanted to include the specific radius and weights and contacted the fire district about that, but was not able to get a hold of Mike. Chairman Martin asked if anyone in the audience wanted to have testimony on this matter. He asked the Board and staff if there was anything else they wanted considered. Someone asked how long the access road was. Mr. Tamburello responded that from County Road 210 to the south boundary of the parcel would be about 1,300-1,500 feet. It's been a policy that it not be over six hundred foot from a main road. He thought the Board had approved some with exceptions. Mr. DeFord said it is in the subdivision regulations. Chairman Martin said, you'd like to see one of those turn arounds about half way up. Mr. McCown said that's fine. said we normally have required emergency access for these units but a subdivision, but that requirement is not there for an exemption. Chairman Martin said we have a recommendation made by staff with conditions, do we wish to go ahead and approve that or do we have a difference? Commissioner Stowe made the motion that we approve the exemption request for Gregory and Anne Tamburello with the recommendations of staff as noted. Commissioner McCown seconded the motion. Chairman Martin asked if there was any further discussion on the item. Hearing none, he asked for all those in favor of the motion. Motion carried.

Chairman Martin asked if there were any other items to come before the Board of County Commissioners today?

Hearing nothing, Chairman Martin asked for a motion to adjourn.

Commissioner Stowe motioned to adjourn; Commissioner McCown seconded the motion; carried.

Attest:

Chairman of the Board

DECEMBER 4, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 4, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Millennium Tree

Chairman Martin said the first order of business was going to be the individuals appearing before the Commission on items not on the agenda. He asked Ms. Willis to come forward and mentioned that she had something for Mayor Sam Skramstad.

Ms. Willis said she was from Battlement Mesa. She said that some time ago she had met with Mayor Skramstad and Senator Ben Nighthorse Campbell and talked to them about the Holiday Millennium Tree. She had asked them for their help and they guided her to the County Commissioners who pledged and the City pledged \$50 more. She was going to try and come to the council meeting on Thursday night, but as she was fearful of the weather and doesn't like to drive at night this time of year, she asked Don if she could come to the meeting this morning, and he graciously set up her appointment. She said she would like to present to you a painting. This is the actual tree that is arriving in Washington D.C. as we speak. Hopefully it will be on CNN so we can see it. Ms. Willis said that the day after Thanksgiving she accompanied her daughter down to Woodland Park for a ceremony down there, and it was cold at 7:00 a.m. in the morning, but people started gathering and there were about 1,000 people there for the ceremony. It was beautiful. There was a fly over and Senator Campbell was there and like a little kid in a candy store he drove the truck from Woodland Park to Denver for another ceremony and it was great. My daughter had written an essay called "The Chosen One." She dedicated it to Nancy Testinaco from Steamboat Springs who was an important part of the World Development Council and the Millennium Tree Project. Nancy was killed in an automobile accident, so this is dedicated to her. Ms. Willis read "The Chosen One" the story of the Millennium Holiday Tree: Colorado's Gift to the Nation written by Florine P. Raitano. The whole story is on file. Ms. Willis said this speaks well of our people in Colorado, in Garfield County, and throughout all counties of Colorado. She saw firsthand how people down in Woodland Park stood tall for this project, and at the end of their ceremony there, they had an auction of the saw that cut the tree down and it went for \$1,075. Then they auctioned off the stump cut off of the tree and it went for \$1,750. Ms. Willis said it was signed by Ben Nighthorse Campbell, Senator Wayne Allard, Joel Heffley, and the co-chairs of the Millennium project. She said it was something she will never forget. She thanked the Board for bearing with her and listening this morning, and allowing her to present Mayor Sam with the picture. Chairman Martin said the Mayor had to give a speech now to thank everybody. The Mayor said thank you.

Chairman Martin asked if any other citizens had something before the Commissioners not on the agenda. Seeing none, Mr. Martin turned the meeting over to Ed Green the County Administrator for his update.

**REGULAR WORK SESSIONS
COUNTY ADMINISTRATOR REPORT**

Employee of the Month - West Kent - Fairgrounds

Mr. Green said his first item was employee of the month. This month they recognize a fairly new employee as our employee of the month. Wes Kent has been with the County less than a year; he performs all the maintenance activities at the fairgrounds. And, through his efforts, there's been significant improvement in the operational readiness, the cleanliness and the safety of the fairground facilities. Wes is on the move all the time, and one will never see him idle at the fairgrounds. He's on a tractor, working a shovel, or straightening up an area constantly. He's also very effectively leverages himself with community corrections resources to augment the work effort. In addition, Wes is able to work collaboratively with other groups such as Road and Bridge to bring about successful results. Some of the things Mr. Green was particularly impressed with, in terms of improvements or the structural safety of the north stands that Wes is responsible for, were the cleanup and organization of the tool areas, grooving of the track and arena, repair of the motorized equipment, repair of the fences, and cleanup of a number of storage areas there too. Mr. Green said Wes is a dedicated County employee who in his short time with the County has made quite a difference, and based on his excellent work ethic, and diplomatic customer service skills, it was Mr. Green's pleasure to present Wes as the December employee of the month. Wes was invited up. The parking permit has been given to a cancer survivor. Wes was congratulated. Wes Kent said thank you very much and thanked Dale, and thanked Tom for his support.

Annual Agreement to Accept Liability: CSECU VISA

Chairman Martin said he thought the next item was the annual agreement to accept liability for the Visa cards, basically, Barb has included that renewal agreement and the thresholds for individual cards and he wondered if anybody had any objections and if not, he would recommend approval for the year 2001. Mr. McCown asked if there was a cap of \$5,000. The answer was yes.

Commissioner McCown made a motion that the Chair be authorized to sign the resolution for the accepting the liability for CSECU Visas;

Commissioner Stowe seconded the motion; motion carried.

DMG Maximus Cost Allocation Services Contract

Ed Green presented the next item, an extension of the DMG-Maximus, Inc. Cost Allocation Service Contract which was presented for approval. The work scope provides for the development and negotiation of a cost allocation plan that the County can use in applying cost to our state and Federal customers. As the Board knows, in the last year, DMG charged less than \$5,000 and charged that for a couple of years. DMG indicated in negotiations with the County that they lost money on the contract last year and needed an increase. DMG is proposing a rate increase to \$6,000 per year, but have assured the County that they will hold that rate for at least two years for the County. DMG has performed successfully on past contracts and based on that. Ed recommended that the Board authorize placement of the service contract and the Chair be authorized to sign. Larry McCown asked what they were negotiating for? Ed said DMG was negotiating for a modification to provide these services in 2001. Mr. McCown said he understood that, but asked what DMG does. Ed said that basically DMG analyzes what costs are appropriate to be passed on to the state and Federal customers. The state and Federal customers have rules as to how one allocate costs whether those costs can be direct or indirect costs. DMG Maximus makes sure that what the County proposes to the state and Federal customers is in accordance with those Federal Rules and Regulations. Mr. McCown asked what this would relate to. Social Services and any Public Health or Justice type grants, anything related to the Federal government or to state entities, or where the County receives grant or contract money. Ed said last year DMG was able to actually increase the County's allocation because DMG found things that the County had previously not been recording, so the amount the County is getting back this year increased from the previous year based on DMG's study. Mr. McCown asked if it was in excess of \$6,000. Ed said yes. He said DMG was worth it.

Commissioner McCown made a motion that the Chair be authorized to sign a continuation of the contract with DMG Maximus for an amount not to exceed \$6,000; the motion was seconded by Commissioner Stowe; any further discussion?; motion carried.

Pre-Trial Program Grant Signatures

Dale Hancock presented the next item on the agenda which was the Pre-Trial Program Grant Signatures and it is for a Pre-Trial Program Grant that totals about \$42,000 and includes .25 FTE which is about \$9,600 of that for the development of procedures associated with the program. Basically the County match for this is somewhere around \$10,000. That \$10,000 will be mitigated by the fact that there is a cost avoidance of \$50 per participant per day. Dale said in addition to the cost avoidance there are fees involved in this program. There is an entry fee and a maintenance fee, plus fees for all of the services. Part of the grant will be used to pay for the indigent who can't afford these fees. But there will be some return to

the County; we also have some people that Guy wanted to talk about that the Court has been very favorable on this type of program and really urges the continuation. Al Maggard said the Board should have a letter in their pack from him as Chairman of the Pre-Trial Program CommitteeCriminal Justice Division pointing out and outlining the number of people which Judge Zerbi put in the program. As I pointed out it's an average \$50 a day for housing these prisoners outside of the County. Someone has to move out to make room and usually goes through another county. Tom Dalessandri said it was a step in the right direction, and hopefully something will alleviate our crowding in the new jail as we come into the next year or two. Tom said the Board would also notice in the packet the population average for this year. The November figures are not quite complete, there's three days that aren't there, but it won't make an appreciable difference in the averages. Al Maggard said these are the folks that the bail community cannot assist in one way or another because of their monetary shortage. The way the program is set up to operate the pre-trial supervisor will interview the prisoner before arraignment and before first appearance, and present that information risk assessment and background to the Court. If the person has not obtained bond, then the judge will determine whether he qualifies for pre-trial services. If he does, the judge will turn him over to the pre-trial supervisor, and the supervisor will re-interview to make the determination about supervision and types of supervision and types of programs that he should volunteer for. They take that back to the Court after the prisoner signs it. And, then the Court will release him to the custody of the pre-trial supervisor. If he violates the terms of the agreement, then of course he goes back into custody. Dale said the reasoning, we're at about a sixteen day average, we're up to 81 days, is that just because of the backlog in the Courts as far as seeing or hearing these? Dale said the main ones that are a length of time are the INS folks, and we will not touch the INS people until the program is operational, deemed a success, and we'll talk to INS and see if they'll go along with it. We do not want to go to INS until we know what's going on and have a chance to talk to them. Larry McCown asked if there was any idea of time frame on that, six months, a year, or is it an unknown at this point. Dale said it shouldn't take more than a few months to really get the program under way and determine if it's working. They won't be in the supervision a terribly long time until they reach arraignment and we're supposed to give them an early trial, they shouldn't be in our program too long. Jan said there has been some concern in the private sector about the fact that people will want to do this instead of jail. They have to complete certain things as part of that supervision. We found in the past that and from other agencies that are doing the pre-trial in other parts of the state that people would much rather go in jail and not be under supervision. Chairman Martin also said that the people who are in the bail bond business are also aware of this program and also have had input. And he added that they have a comfort level more than they did when the County first mentioned it, so the bail bondsmen have come forward and said so. Al said that "Guy" has talked to them at one of our meetings.....and although he wasn't completely happy, he was more understanding of what the County was trying to do. Larry McCown asked what the INS reaction in other parts of the state has been and how has it worked out. Dale said he hasn't checked that out. Jan said all we know here is that from some discussion INS isworking with this program which they haven't been in the past. Larry McCown asked if INS would become the funding source or would the individual bonding outfit become the funding source? Jan said she thought it would be appropriate to try and negotiate with INS for some assistance and recognition, because I think then we will have more distressed financial population than what we do now. Dale said and they are spending money to keep them in jail. Larry McCown said it would be a balance if they were the one paying for the program. Jan said the costs are not really the same. The \$50 is a very conservative amount. We are not talking about shipping them out of county for travel costs; that's just the daily costs of keeping them. Larry McCown said he realized that, but cost savings to the INS would not be any greater if they contributed to the \$50 per day in house jail cost as opposed to the \$50 per day program cost. It would be a wash to them. Walt said he thought it was worth a try; a trial to let you guys get this up and running and see if works. Hopefully it will solve our jail problem. Walt made a motion to approve the pre-trial program and authorize the Chair to sign for the grant; motion was seconded by Mr. McCown; the Chairman asked if there was further discussion. Dale said that just as a heads up, this is a once a year cycle, so this is it for 2000..... we have to wait until 2001 if you have any trepidation about it at the time the contract is awarded, you don't have to accept it if it doesn't look like it's good to you. The Courts have signed off in principle of the idea of having the user fees which is historically has not been something that they were willing to do, so that's a new consensus that's been arrived at. In terms of the factual update, we've gone ahead and put this out to bid to be handled by a contract that went out last week. We will probably go ahead and send this one out as well to Boulder, Arapahoe, Larimer, and Jefferson Counties to try and rate their staffs if possible because they've already got them in there and they're trained.

Larry McCown said he heard that Jefferson County is always willing to give up employees for the Western Slope. We have the question, all those in favor; motion carried.

Tom Dalessandri said that while we have this group up here, they might as well talk about the Workender Program. This is a total grant request for about \$92,000 and the County match is around \$31,000. Participant fees are going to cover the cost to the County and he talked to Guy this weekend and he said his intent is to raise the daily rates to \$20 in 2001 to assure coverage of that. I'll let Dale talk about it. Notice also on that compilation average the Workender Program has been fairly stable. These figures are only the ones that are registered with the Sheriff as under his custody, there are a number of others who participate in the program through the Court and direct sentence to County community corrections, so Guy's figures are always a little bit higher than the ones 9.7 per day for up to the end of November in this program which represents an awful lot of bodies doing an awful lot of work, so the program is successful and the Courts are very happy with it. This is a continuing grant. This is the fourth year of a four year cycle. This is the last shot at it. Walt asked if we have to fund it ourselves after that? Dale said that's not really an issue; this is a pay by the Defendant proposition.

Commissioner Stowe made a motion the Board approve the grant request for the Workender's Program and that the Chair be authorized to sign such grant; motion was seconded by Commissioner McCown; motion carried.

Smart Growth Pass Through Grand: Rural Resort Region

Ed said we have one more grant to discuss, and that's the Smart Growth Pass Through Grant which the Rural Resort has asked the Board to co-sponsor. It's a Colorado Heritage Planning Grant for investigation in development of an approach for regional sharing of local collected revenues. The grant request is for \$50,000 and it's to be matched by \$32,000 in in-kind contributions from Rural Resort. Based on their assertion that there is no direct liability to us, and we are simply a pass-through mechanism, I request the Board to authorize the Chair to execute. Walt said it's a great program if we can ever get it up and running, year number five. And this actually studies it and tries to correlate it statewide as opposed to just Pitkin/Garfield, so I'd make a motion that we act as such a facilitator or pass-through for the Rural Resort and the Chair be authorized to sign the necessary paperwork to accommodate this; motion was seconded by Larry McCown; motion carried.

COMMISSIONER REPORT

Chairman Martin said he wanted to report that the staff was well-behaved and attended all of the meetings in Colorado Springs during CCI. They did solve the murder at the end, just to see if we were paying attention and we were. Criminal Justice Review Board met on Friday the 1st at 10:30 a.m. We have CDOT meeting tomorrow morning at 8:00 a.m. in this room to discuss the strategic planning: I-70. Also, I have been invited to read the Millennium Tree to the Battlement Mesa Junior High School late tomorrow, if you would like to attend Walt. Also, I will be at the New Castle Town meeting at 7:00 p.m. tomorrow night. Do not forget about our Holiday meal, going Hawaiian on Friday between 11:00 a.m. and 2:00 p.m. I would also like to mention that Walt's neighbor is throwing another wild party of the Library Board at 6:30 p.m. at her home on Sunday if you can give up the Sunday night football game to be there. We always have a good party, and she wanted to make sure you guys got that invite.

Chairman Martin said the Incident Management Program implementation tomorrow morning from 8:00 a.m. to 10:00 a.m. Room 301. Next week Rural Resort on Friday; that's the legislative luncheon at Eagle in the Training Room from 10:00 to 2:00. They'll have lunch there from Noon to 2:00. They will probably speak. I don't know who they'll have, but they usually have three or four of them. Human Service Commission meeting 10:00 to 12:00 at the CMC Center next Wednesday.

Commissioner McCown - said we've got Associated Governments Thursday from 10:00 until 2:00 in Grand Junction, City Hall if anyone would like to attend that. There was a question whether Grand Junction's City Hall is up and operational. The response was yes and there will be a nickel tour at 10:00 and the meeting starts at 10:30.

COUNTY ATTORNEY UPDATE

West Glenwood Estates

County Attorney Don DeFord said the first thing he wanted to touch upon was a public discussion, and Mark Bean would be present on this. Mr. DeFord said that Mark Bean indicated that he wanted to talk to

the Board briefly about a proposal entitled "West Glenwood Estates." A quick summary of this, this is a proposal for a development in West Glenwood. The development itself is actually within the city limits, but it proposes to use access to it on a County Road. Well...I shouldn't say that; it's a public road, I think. Generally you'll know it as the road that runs to the water tank off Mel Rey Road. Mr. DeFord asked Mark to go further with this. Mr. Bean said that apparently the City of Glenwood Springs wants the Planning Department to make a determination on whether or not the Planning Department is willing to accept the proposal by the developers. And, incidentally, this is the only copy... I just got it late last week. Mr. Bean continued that there is a proposal to have the developers or the homeowners' association maintain the road. What is unique about this one also is that they are proposing to extend that cul-de-sac you see there on through into what is presently the city limits through a lot that apparently the church does own. Don and I have discussed this briefly; our conclusion is that whether or not the County is willing to, I guess, allow a private entity to maintain a County/public road. Excuse me, I have to be somewhat cautious here since we're a little uncertain on this because we believe that the County does not actually maintain this. Don and I both have a recollection of a number of years ago there was a debate as to whether or not that was a good sledding road and whether the County should close it down to sledding, at one point. Anyway...the bottom line is there is an extension of the cul-de-sac of the existing public road to extend it into this particular proposed development. But, the City wants us basically to make an affirmative statement to them that this is an acceptable proposition from the County's point of view, before the application is even considered by the City. Don DeFord said he should caution you one thing. If the developer proposes to go forward and develop this road, Mark and I discussed how they would go about that within the County. And, it is very likely that it would require an amendment to Subdivision which could entail a Public Hearing process as well because the reason for that is this would add a road to an existing subdivision. You might recall that is one of the bases in your subdivision regulations to require a full preliminary plan in front of a plat review. Mr. Bean said a very quick history...Western Hills was platted in 1958, so it is a pre-subdivision regulation subdivision, but it is a properly platted lot subdivision. The lots indicated here are in fact platted lots, although un-built at this point. Mr. Bean said, as Don said our regulations do normally require for any relocation or change in the configuration of roads, for that to be through the amended plat process which requires, at a minimum probably, a preliminary plan review. Mr. DeFord said, lastly in terms of the legal status of the road, the original plat dedicated all rights-of-way to the public. But, because it was such an early subdivision, there was no provision for formal acceptance by the County Commissioners in those days. So, there is no written acceptance of this road. There may have been maintenance on this road, there may be today, and Mark and I are not clear on that. We also are not clear on whether or not this road has been included in the Highway User Map. We've asked for some information from Road and Bridge, but that request was made late last week, so they simply haven't had time to respond yet. Mr. DeFord continued, lastly those of you familiar with this road, you'll know that there are at least three or four homes that have been built that utilize this road for access that are actually in the County, for which we have issued building permits. Mr. McCown asked what the advantage is of this spur road that they want to put on. Mr. Bean said that it provides them access to an area that they probably wouldn't be able to get access to for development otherwise. Walt asked if the area has been platted at this time. Mr. Bean said no and that's what this proposal is, is they want to have the County say we're in agreement with the proposed access to this area to be developed within the City, before the City even considers platting or approval of the development itself. Mr. McCown asked if this was a fairly extensive area. Is it going to take a lot road use in the future. It would depend on what they put out there, I suppose. Mr. Bean said this is a sort of extension to the cul-de-sac. If you kind of flip it over a little bit further, the next one you can see, you can see the actual plat. Mark said this was in front of City Council at their last meeting for conceptual review, but no formal decision was made. Mr. Bean said there's church down in this area along with a parsonage. Mr. McCown asked if this would be the only extension involved in their request. Mr. Bean said correct. Walt asked, they're proposing to maintain the existing road as well as the road they build? Mr. Bean said he thought that was the proposal. It isn't really clear from the application, but appears to be the proposal. Mark said, there are current residents as well as existing lots on that road that would not be part of the new subdivision? Walt asked what the length of the other cul-de-sac was? Mr. Bean said he didn't know the answer to that. He guessed that what you see there is the bottom of the "T", at the bottom of the cul-de-sac, Mel Rey Road, that goes along the top side of Western Hills. Chairman Martin said we need to get that information from Road and Bridge, see what our maintenance schedule is; see if actually there is any maintenance, and if it's on the Highway Users Fee Schedule and few other background things before we want to make a decision on that. Mr. DeFord said that as he'd indicated earlier this does also provide a City

water tank and that's been part of the discussion over the years. Chairman Martin said that at time the City may want to take over some maintenance responsibilities there. Chairman Martin then said, can you bring that back to us next Monday? Maybe if you get the history, give it to each commissioner so that we can be prepared. Asked if that would satisfy the City's time line on the application? Mr. Bean said he needed to do a little further research in terms of talking to the City. He said he'd only talked to the developer's representatives at this point. He said he wasn't able to catch anybody at the City to find out what exactly they were looking for.

Executive Session

Mr. DeFord then said at this juncture, unless the Board has other things for public discussion, he needed an executive session to discuss the litigation of Silt and the oil and gas litigation. Chairman Martin asked if there was anything else. He responded that it appeared there was not. Mr. DeFord said he needed Mark Bean present as well as of course Ed and Mildred. Chairman Martin ? asked about a time line. Mr. DeFord said 9:30, and that the discussion on Silt may take a little time.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss litigation with the Town of Silt and litigation with Oil and Gas; carried. Mildred, Commissioners, attorney, Mark Bean, and Ed Green were asked to be in session.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

CONSENT AGENDA

- a. Approve Bills
- b. Sign Harmon Special Use Permit
- c. Sign - Medical Health Services Agreement for Jail

Commissioner Martin asked if there were any issues with the three items on the Consent Agenda, or do we wish to separate or have a motion to include all?

Commissioner Stowe move the Consent Agenda Items "b" and "c"; Commissioner McCown seconded; motion carried.

Cell Phone - New Bid

Discussion on cell phone costs and new bid.

Election - Vote Counter Equipment

Chairman Martin said he thought Mildred had indicated that she's very happy with what she's got on the pencil election ballot; it sure does save a lot of problems. We support that.

Commissioner Larry McCown motioned that the bills be paid including payroll; Commissioner Stowe seconded; motion carried.

Commissioner McCown moved to approve items b and c on the Consent Agenda. Commissioner Stowe seconded; motion carried.

REGULAR AGENDA

Notice to Consider Increasing Your Property Taxes for Capital Expenditures

This was a public hearing for: Notice to Consider Increasing Your Property Taxes for Capital Expenditures. Chairman Martin said he thought that was a joint effort between Jesse and Ed Green. Chairman Martin said the title is misleading, but we still have to do it because it's statutorily required. County Administrator Ed Green said we have proof of publication of that notice both in the Valley Journal and in the Citizen Telegram and here's the actual publication for your review. Ed Green said this is a requirement that there be a public hearing and as you know the mill levy of 13.655 has been established and cannot be exceeded. However, there's increases in assessed values and also there's new construction every year that provide incremental increases in the total collections. This analog view of how the model works give you an idea. Colorado Statute allows the County to apply all funds, the 2000 budgeted numbers apply to all funds, the 2000 budgeted numbers plus 5.5%. And in addition to that, all new construction dollars that are collected may be applied to all of the funds.

All of the funds in excess of this budget plus 5.5% in new construction, have to either be refunded or they have to be directed to the capital expenditure fund. The capital expenditure fund is used to fund all major

capital and facilities projects and it's also used to fund the debt service on the new detention center. As you know, our debt service this year is covered in 2001 by prior deposits, but the total requirements against the capital fund in terms of equipment and facilities improvements was about \$1,091,000 this year. For 2001 the capital fund would be infused with a total of \$1,886,000 and the Commissioners cannot so designate all the excess to that capital fund and of course the amount that isn't used in 2001 we will set aside for future requirements that include Road and Bridge facility, airport runway improvements, the improvements to the riding arena, airport land site improvements, county road improvements, and then of course future debt service of the detention center. So there's a host of uses for the future that we can apply those extra funds to. It's based on continuing need for capital improvements throughout the County, and I would request that you consider retaining these funds and directing them to the capital expenditure account. Assistant County Administrator Jesse Smith said the sheet attached shows the breakdown allocation of these funds across different funds; you will notice the property tax levies change every year. This is based on the budgets that the different department turned in; the mill levy is calculated based on those budgets, and then dividing that by the total to get the mill levy. There are some minor changes every year in those mill levies. The total, however, stays constant at 13.655. Chairman Martin asked if there were questions for Jesse or Mr. Green? At this point because this is a public hearing if anyone would like to make any comment from the public they are welcome to come forward and identify themselves and make any statement. Mr. McCown said he knew it wasn't something that the Board deals with directly, but it's in Steve's bailiwick, and I guess I really question the 4.59 increase in new construction related to the gas industry in 1999 and 2000, given the amount of activity that's taken place this year. There's definitely been a spike this year because of the increased gas prices and I guess, I know Steve's aware of it, and it's just a tough one to keep a handle on, but I would think that there has been more of an increase than the 4.59%. Chairman Martin asked if there were any other questions. If there were no other questions, Chairman Martin said they would take the notice that it was properly noticed in the paper, proof of publication, we'll accept that. There are no questions on notification. Testimony taken by Mr. Green and Mr. Smith. There was no public comment at this time. We've had a recommendation to go ahead and approve. Ed Green said there were two issues. One is to approve retaining the funds and directing them to the capital expenditure account, and the second issue is that the Board approve the proposed distribution of the mills to those identified funds. Chairman Martin said we need two motions for that. Commissioner Stowe asked if we need to close the public hearing? Chairman Martin said yes. Commissioner Stowe motioned that the public hearing be closed; Commissioner McCown seconded the motion; motion carried. Mr. Stowe motioned that the Board retain the funds mill levy indicated at 13.655 mills and direct the excess into the capital funds account; Commissioner McCown seconded the motion; motion carried. Mr. Stowe made a second motion that the Board approve the distribution as presented by Mr. Green on the various accounts; Commissioner McCown seconded; motion carried.

County Clerk and Recorder Mildred Alsdorf mentioned that on January 9 we will do the swearing in of the two Commissioners, and she said she would like to do it at 10:00 a.m. The judge will leave a trial and come down and do it and then go back. Chairman Martin said that on January 9th also have a 7:00 a.m. meeting with the City of Glenwood Springs, so they will convene over here.

Ed Green said he had a ballot that the Commissioners need to complete voting for candidates to the Farm Service Agency.

Chairman Martin said he wanted to report that they received favorable comment from the Soil Conservation annual meeting. They were very appreciative of our grant that we allowed and hopefully that they will continue partnerships with us. Larry McCown asked if they could only vote for one candidate. Walt Stowe said it appears that way, yes. It was discussed that a majority decision would suffice. Commissioner McCown made the recommendation to continue to support Dee Blue. Chairman Martin asked if there were any other nominations then? So moved; and we will notify the proper authorities that the ballot has been filled out.

Chairman Martin asked if there were any other items to come before the Commission.

Chairman Martin asked for a motion to adjourn; Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

Attest:

Chairman Martin

DECEMBER 11, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 11, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Chairman Martin said the first order of business was going to be the individuals appearing before the Commission on items not on the agenda. Nobody came forward.

REGULAR WORK SESSIONS

Reclassification of Positions

County Administrator Ed Green said his first item was the reclassification of positions. Phyllis is here to discuss those. Phyllis Lundy said the Board had in front of them the positions that were classified or reclassified at the last Personnel Committee meeting. These are all jail positions or sheriff positions except for the newly classified position at the bottom which is Social Services Manager 3. You have in front of you both the old pay grade and points and the new pay grade and points. Phyllis also gave the Board the sheet that has the information on other jobs which are in each pay grade and the number of points that they have. She said the sheet had not been updated to include the positions that the Board had in front of them, those positions are still listed at their old pay grades. Larry asked what the impact would be on the budget. Mr. Ed Green said they met with the sheriff on Friday. The sheriff has agreed to a total pot of \$146,000 which is about \$55,000 over the 4 1/2% that he would ordinarily be entitled to. The net effect is \$55,000. Larry asked what the position for Social Services was going to be. Ms. Lundy said it was a position that is currently filled by staff she was a Social Services Manager 2 because she was only managing one group of Social Services workers. She is now managing two groups of Social Services workers, so that bumps her up into the next level of supervision and leadership. She has taken on more responsibility. How many Manager 3's do they have? Ms. Lundy said one; this is the only one. Ms. Lundy said she actually has three Social Services Managers 2s reporting to her with all of the caseworkers and case managers that report to them. It's kind of an operations manager type position. Chairman Martin said we are putting more responsibility on our department heads and they are branching out, not creating new department heads. Chairman Martin asked for a motion to approve the reclassification lists, or are there any other questions, or we need a motion to deny. Walt made a motion to approve the reclassifications as noted and presented; Commissioner McCown seconded the motion; motion carried.

Jail Project: Electrical Changes

Chairman Martin asked if Mr. Green's next item was the jail project. Mr. Green said there were changes to the electrical lighting and some minor outlet changes. Randy Withee is here to discuss these with the Board. Randy Withee said basically the sheriff's personnel went through the construction drawings to verify or check to see if any electrical items like outlets, pictures of stuff that we talked about were incorporated; it appears that there were several items that were not. For example, the first one, exterior lighting on the outside, where the two doors go out, it's not in there. There should be some lighting on the outside. The stairwell on the north side of the south court, there was not a light fixture on the outside there. East door on the second floor, also. There's some exit signs we're missing another item was to provide some light fixtures in the maximum security where they control them differently through the shut off this light won't shut off the whole cells. Add some wire molding in several control rooms that just have one outlet, wire molding around so they can plug in different spots. Several outlets to various rooms I think the medical room needs more outlets. There's only like two or three in there. Just various areas that would

make it more comfortable. Randy continued by saying look at more electrical changes. These are all basic fixture changes; there's no fluff in there. Randy said he looked through it and this is stuff that should be needed. Wire molding makes it more functional. Larry said he would question why the architect missed anything that pertained to code. Randy said that he thought one exit sign, for four floors. Asked if exterior lighting was also by code? Randy said yes he did not know why it wasn't out there. I agree with you that they should have had it in there. He said basically right now, potential change order, looking at \$307,000 contingency. Larry asked, remaining? Randy said yes. Larry said we haven't got to the expensive change order parts though. Ed said interior finish; that's where it adds up. Chairman Martin asked if he had a motion to go ahead and approve the change order of \$23,905. Walt said, for electrical, I so move; Commissioner McCown seconded the motion. Chairman Martin asked for further discussion on that item. He told Randy he was a watchdog, and asked him to make sure they don't lose ground here. Randy said we're looking at price to take out spare cameras which we really don't need at this time. Chairman Martin asked for all those in favor of the motion; motion carried.

Road Scholar Program -

Ed said that as a part of the state wide Roads Scholar Program, contests are held to determine innovative ideas that have been implemented by various Road and Bridge Departments. In a recent competition, our Road and Bridge staff was the second place winner. I'll let Tom/Marvin describe the innovation for you. Marvin said this started...every time we had to haul a piece of culvert pipe somewhere, somebody had to get a tandem truck and break it loose and haul the pipe to wherever it was. Dusty, Craig and myself sat down and decided we had an idea that we could build a trailer that we could pull behind a pickup. With ramps on it so guys could load it without a piece of equipment being there. So we all set down and drew out about a half a dozen plans, and we finally came up a pretty sure fire way for one guy to load up to a 36" pipe by himself and two guys doing an 8 foot culvert. It will haul anywhere from 12 to 8 foot pipe..... 20 foot long. What it has done has kept our trucks in the fleet hauling gravel and letting us use a pickup instead of a tandem. We built one for each shop. It was a last winter's project, two years ago.

Mark Sanford said he was the program manager for Gunnison County where they did a special road project on their own and saved over \$6,000 in-house operation. He wanted to be here to present them with a plaque to let them know the program is sponsored by Federal highway & Colorado Department of Transportation..University of Colorado. It's a statewide contest and there are seven or eight different applications for the contest. We run it every year; we're real proud of them for entering the contest to take the initiative to recognize that they do have something that could help their county.

Chairman Martin said there was one more item, Item d. Frank said the safety equipment for the police interceptors and that Tim had a presentation on that. Bids went out to four different people. Two people responded; and it was almost \$5,000 difference between the first and the second one. I don't think that anybody will beat the prices on these. Chairman Martin asked Frank if he was contracting to do the installation as well. Frank said yes; that's some of the money that's left over. Walt made a motion that the Board approve the contract amount at \$21,204.25 for the safety equipment for the police interceptors, eleven signal sets and accessories; Commissioner McCown seconded the motion; motion passed.

COMMISSIONER REPORTS

Ed said Friday is our strategic planning meeting at 9:00. Chairman Martin said he may have a conflict; he's hoping to make it. Walt said he has Rural Resort on Friday from 10:00 to 2:00 in Eagle, and that's the Legislative Luncheon day for Rural Resort also, so he doubted he would be in on the strategic planning this time. Larry said Wednesday is the Comm Board meeting if any of the other Commissioners would like to come and set in on that. This past Thursday was Associated Government; I put the handout and all the information that came out of that meeting in our basket for you to peruse. Also, there is an updated Northwest Colorado Economic Review #3 that Dennis Stranger does for Associated Governments. It has some good numbers in it. Extensive conversation on the railroad study; the bid has been let. Chairman Martin said we might be able to move our dirt that way. Chairman Martin said CDOT met at the Courthouse on Tuesday. He also said he made a visit to the Town of New Castle, and also issued a challenge to come up with three items that we could work on together for this year with town boundaries. If there was anything pressing, they would send us information in writing and then we'd also have somewhat of a joint meeting if necessary throughout the year. Chairman Martin said there would be an

open house in reference to the BLM Wilderness and Road Inventory in Rifle on Wednesday, the 13th from 3:30 to 7:30 if you are interested in what is happening with the BLM up around the Rifle area.

CONSENT AGENDA

Larry asked if there were any problems or concerns on the Liquor License Renewal? Clerk & Recorder Mildred Alsdorf said she had no problem with any of them. One thing she did add, Sopris Restaurant was not published, but it's been posted 24 hours. Larry asked Jesse if there was anything in bills that he noticed. Jesse we are getting very close to selecting a new cell phone contractor that will consolidate all of our cell phones under one company which would dramatically save a lot of money. Walt said he hoped we've learned one lesson out of the Florida election; thank goodness we do have optical scanning equipment for ours. Larry made a motion to approve the Consent Agenda "a" through "f"; Walt seconded it; motion carried.

RESOLUTIONS

Jesse said the first Resolution before the Commissioners was to accept the final 2000 adjusted budget and the Board has Exhibit A, B and C attached to that. Exhibit A is the original 2000 budget. Walt told Jesse it did not make their packets. Jesse continued that the first Resolution is to adopt the final supplement appropriation for 2000 and that is Exhibit C. Exhibit B and C are the same because they had to be in here twice for the Resolutions. He said the Board should see that it was marked "2000 Final Revised Budget." This is what they have determined to be our year-end position based on discussions with all department heads as part of the budgeting process. Commissioner McCown made a motion to approve the Resolution concerned with the amending the Approved Garfield County Budget and Appropriations for the Fiscal Year 2000; Walt Stowe seconded the motion; motion carried.

Jesse said the second Resolution in the package is to accept and adopt the 2001 budget. Everything is in this including the excess sales tax from year 2000, and including closing out the contingency fund and rolling that in a separate line item under each fund. Commissioner Stowe motioned that the Board approve the Resolution concerned with the adoption of the budget and appropriation for the funds for fiscal year 2001 as presented; Commissioner McCown seconded the motion; motion carried.

Commissioner McCown said in dealing with the budget he would like to note that earlier Jesse had given the Board two policy statements; one directly relating to the contingency fund and how it can be accessed, and the other one is a fixed asset policy statement. Mr. McCown made a motion that both the contingency policy and the fixed asset policy be adopted and incorporated with our budget; Walt seconded the motion; motion carried.

Ed said, in response to your question Larry last week, Tom and I are still looking into the costs associated with changing out the snuffy truck for equipment to extend the life of the landfill as soon as we get those numbers we'll let you know, and see if it makes sense to do that. We don't anticipate any increase.

Mildred Alsdorf said she had a Resolution on the hours, the meetings dates, and holidays for 2001. She said that for the meeting in January she has down to meet on the 8th, 15th and 22nd instead of the 2nd; remember the 1st is a holiday. She continued with February, we will meet on the 5th, 20th (due to Presidents' Day) and 26th. Mildred said the Resolution on hours and holidays is the same as last year except for the change in dates. Commissioner McCown motioned that the Board approve the Resolution establishing office hours and holidays for County offices specifying the schedule for regular meeting days of the Board of County Commissioners and related matters; Commissioner Stowe seconded the motion; motion carried.

Mildred Alsdorf said she also had a title which needed to be signed. They found out the wrong title was given to a person and that's why we have to do a change of title that was on a '91 GMC pickup. Mr. Cruz has the truck but he was given the wrong title. Commissioner McCown motioned that the Chair be authorized to sign the title; Commissioner Stowe seconded the motion; motion carried.

AIRPORT ISSUES

Kenny Manepa said the first thing he wanted to request, he talked about purchasing or leasing an airport fire truck. It's actually a used piece of equipment and was from Reese Air Force Base that the flight department had acquired. It's a pretty good piece of equipment; it's much more modern than anything that we currently have and we're definitely going to enhance our capability on the airport for protection. The flight department has offered to do a lease purchase arrangement; have us enter into a lease with them for the fire truck for one year, for the sum of \$1,300. At the end of that term, if we so choose, we could purchase it the following year. It would be included in a budget request for the following year to purchase the remainder amount which would be about \$39,000. Kenny said he works with the County Attorney's office in preparing the lease and it has been delivered to Andrew _____, president of the flight department, for his signature, unfortunately, last week he was in Florida all last week because his father was ill, so I have not had an opportunity to see those leases, but I would like to request to authorize the Chair to sign with the flight department for the 1986 P 19 Oshkosh Fire Truck for one year. Commissioner Stowe asked if the lease amount apply towards the purchase. Kenny said yes. Commissioner McCown asked if this was a \$54,000 unit? Kenny said yes. Ed said, that as you know we decided that there weren't enough capital funds to go around this year, and this was one of the things I asked Kenny to do, to see if there was another way to acquire this, and he and Carolyn came up with this lease purchase arrangement. Commissioner McCown asked, why do they have it. Kenny said ... they were basically have a garage sale at Reese Air Force Base closed it... they bought a bunch of equipment for their operation... and while they were down there, they came across two of these fire trucks. They brought them back and asked Kenny if he wanted to buy one, and Kenny said he couldn't, he didn't have any money. They put them on the market for sale, Kenny subsequently took a look at them, they were basically willing to sell it for just over the transportation costs and..... to deliver it up there.... for that price... make their money off of the other one. Commissioner McCown asked, by doing the year's lease we're not committing to buy it next year if the funds are not available. Kenny said right. Commissioner McCown asked if another year's lease would be available. Kenny said probably not. Commissioner McCown said, so they're going to sell it at the end of the year if we don't buy it. Kenny said we have to buy some tires, we have to replace some cables in the turrets and convert the _____ tank and halotron? Commissioner McCown asked if that was going to be at the County's expense. Kenny said yes. Commissioner McCown said that's making a pretty strong commitment that we're going to buy it, isn't it? Kenny said yes. Ed said the advantage is it cuts down the capital requirement; it basically has Kenny funding the first year of payments out of operating for the airport. Commissioner McCown asked if we have in the budget enough to do the repair work. Kenny said yes we programmed that into our budget to anticipate purchase of the tires and some of these other like maintenance items. Commissioner Stowe asked Kenny what we have out there now? Do we rely on the local fire department? Kenny said that and the other 1971 one ton International Driver Response Truck; that's about 450 pounds of dry chem and 50 gallons of foam. Commissioner Stowe asked if we would keep that? Kenny said yes we'll keep it this year. Commissioner Stowe made a motion to approve the lease with option to buy fire truck at the airport for one year at an amount of \$1,300 per month; Commissioner McCown seconded the motion; motion carried. Commissioner Stowe said if you blow an engine on it in the next year, I don't want to hear about buying it next year.

Kenny said the next item was an amendment to the general engineering contract to amendment one for basic services. This is something that we probably should have done back in July when we did our supplemental reducing the scope of work on the project. As you recall, we did get the bids back on the taxi way construction project and they were about \$200,000 over what was budgeted through FFA dollars. The FFA requested that we cut back some of the scope of work...reduce some dirt work... some other items.... because of that it did involve some additional engineering and design work on the project. What we should have done back in July, but now I'm here before you as more of an administrative matter, is to request that we buy a revision to the amendment one to increase the design and engineering ... \$10,000.. for the project. The overall, in effect what we would be doing is raising the overall engineering \$10,000. However, the reality, the actual cost to this whole project, as far as our services, was a reduction, and a savings of \$10,000 in the field engineering phase of the contract. So essentially it's a wash, in reality we are not exceeding our original amount. But, we do need to show that increase in design... for the project.. like I said, the overall project is \$40,000 and under budget, and essentially the savings in the field engineering actual costs increase in design engineering. Kenny said he didn't have those contracts here; he was

trying to get some copies from Mary Lynn on the amendment, however, she had a problem with her computer. There was a power surge over the weekend, so they don't actually have the amendments, but in a nutshell, essentially what we're doing is raising engineering services with ... infrastructure \$10,000 for this taxi way construction project. We basically have to spend \$10,000 to save \$200,000. Kenny said this is something that Carolyn, if she were here, she did review it and has approved the changes. Kenny felt she would say engineers doing attorneys work, I'm not sure she felt 100% comfortable with that format. Commissioner Stowe made a motion to approve the amendment to the general engineering contract with the airport as described with the reasons mentioned by Kenny; Commissioner McCown seconded the motion; motion carried.

Kenny said that on their budget for 2001 they are scheduled, under the Federal AIP for 2001, to acquire \$150,000 toward, in our budget for next year, toward an airport snowplow. Our match, of course, would be the 10%, which would be \$15,000. Essentially what I have here that I would like to request that the Chair be authorized to sign an application for Federal assistance for \$150,000 grant for purchasing high speed snowplow next year. Kenny said he loved his snow blower. Commissioner McCown asked what Kenny considered a high speed snowplow; what is the piece of equipment. Kenny said basically it's a heavy duty truck that has about 350 horsepower, 4-wheel drive, all wheel drive truck with tailgate sander and 22 foot wide plow. Commissioner McCown asked if we were talking about a tandem axle like the County trucks? Kenny said it would be similar to the tandem axle trucks, but not quite as long, with a big 22 foot wide blade. Kenny said it would be more efficient in clearing the runway with a vehicle. Kenny said the good thing about the snow blower is that is definitely eligible for use County-wide. There's no requirement on purchase of the snow blower that we have to keep it on the airport, absolutely not. We paid \$18,000 for a piece of equipment. Walt said there's no guarantee on this grant is there? Kenny said he felt confident. Commissioner Stowe said if we don't get the grant, we don't get the plow, right? Kenny said exactly. Commissioner Stowe said they were only approving \$15,000. Kenny said they were not approving the grant; they were just approving the signature to request the money, to apply. Kenny said the \$15,000 was in the budget. It's an oddity of the FFA; you would think they would want to provide money for fire fighting equipment before they would provide money for snowblowing or snow fighting equipment, but that's just not the case. They won't fund the fire fighting equipment. They will fund the snowplow. Commissioner Stowe made a motion that the Chair be authorized to sign the grant application for an airport plow truck; Commissioner McCown seconded the motion; motion carried.

ABATEMENTS

Chairman Martin asked Shannon the first one is First USA Capital LLC. In all of these, I think it's just uncollectible taxes. The leasing company has declared bankruptcy and was unable to collect the taxes for 1999. Franklin's Jewelers, the business closed and is no longer at the location; this is uncollectible taxes for 98 and 99. Preferred Secretarial Service, the business closed and is no longer at this location; we were unable to collect taxes. The last one is Colorado West Foods LLC, the business closed and is no longer at this location. Commissioner McCown asked, can you do that, just close up and not pay your taxes? Shannon said with personal property when they're gone, we have no recourse. If they are still around we can.... Chairman Martin said these are personal property and fixtures that have either been removed or liquidated in a different way and the folks are gone. Commissioner Stowe asked if she was sure they were all closed and not just relocated. She said yes. Commissioner McCown asked if there was a list of the total amount they were rebating? She said on US Capital LLC, \$207.06 for 99. Franklin's Jewelers, 98 taxes are \$63.84; 99 taxes are \$61.14. Preferred Secretarial 98 taxes are \$105.34; 99 taxes are \$96.96. Colorado West Foods LLC 98 taxes are \$577.15; 99 taxes are \$507.66. Commissioner McCown made a motion to abate the taxes on US Capital LLC, Franklin Jewelers, Colorado West Foods LLC, and Preferred Secretarial Services in the amount indicated from the Assessor's representative here today; Commissioner Stowe seconded the motion; motion carried.

OTHER ITEMS

Ed said, tomorrow Tom Russell, Mark and I are going to tour three Road and Bridge facilities in anticipation of finalizing the conceptual design for our own. We are going to pick the brains of three other counties. Commissioner McCown asked which ones. Mr. Green said Grand, Winter Park's and Eagle.

Commissioner McCown said Moffat has a very nice facility at Craig, very large. They have a tremendous amount of equipment. Chairman Martin said also across the street there's one there, the city. They have their new design as well, and it's over there as well as their existing one. He said he knew that the shop foreman is much more happy with the existing one than the new design; the City of Glenwood.

Sheriff Tom Dalessandri delivered a check from Evercom in the amount of \$70,000. He said there was a lot of negotiating on the part of Dan Hall, Wes Bagley, and himself to settle the contract with Evercom. They spent the last six months doing that. Tom said he thought they have a good contract with a good competitive commission rate on the inmate phones. The intent behind the \$70,000 was to support the new computer system in the sheriff's office. He said they had expected the check to be closer to \$50,000, but with more negotiating they managed to get it to \$70,000, so that pays for all but the \$10,000 for that computer system that will be installed at the sheriff's office. Tom presented the check to the board.

COUNTY ATTORNEY UPDATE

County Attorney Don DeFord said there were two items which were appropriate for public discussion, and one which involved litigation with Silt that needs to be discussed in executive session. He asked to proceed with the public items first.

The first item was a brief discussion of the status of Four Mile Road and Four Mile Ranch improvements to Four Mile Road. You may recall that at our last discussion of this item they were supposed to submit cost estimates for the necessary improvements to complete the portion of the roadway they are responsible for, and Don's understanding was that they were supposed to give the Board some designs if there were altered designs for that area. He also had a request to sign a 3rd Amendment Subdivision Improvements Agreement, and it is what you discussed at your last meeting. That agreement also gave them 10 days to get that information to the Board. Don said that what we have, and he thought Mark would confirm it, is we have received a cost estimate to complete the improvements, but it is not certified. We have not received plans and what Don understands is that there is some question about the accuracy of the cost estimates as well as the improvements that may remain to be done. He thought Tom and Mark could both enlighten the Board more on those issues. He asked them to come forward.

Mark Bean said that as Don had said they did receive the estimate. Mr. Bean handed out copies of both the proposed SIA and well as the estimate. He said Joe Hope was not available to certify a copy of the estimate. Mark did give a copy of the estimate to Tom and Randy to take a look at. They both had some questions about some of the estimates. Part of their questions would be related to exactly what are the proposed plans themselves. We didn't receive any plans. Mark talked to Joslyn Wood over at Leavenworth's office, and she indicated she would be talking to Joe Hope about this. Walt asked to draw attention to a couple of items on the SIA entitled "Gradient earthwork" the last item is entitled "Boulder wall." He said he thought that was an item that was not included in the original design. This is a boulder wall that would run from the road grade up. If you've been up there, you would see that the grading on the, I'll call it the east side it may be the south side, I'm not sure there, is not to the current specifications. I think there is intent is to put a boulder wall in there so that they can meet appropriate grade of that higher elevation. He said we have no plans for that, and he said that earlier Tom and Randy had expressed some concern to him about using a boulder wall at all. We have some real problems here; we don't have a set of plans to match this estimate up against. The old set of plans that we had really didn't address the 2 to 1 slopes appropriately; they were getting into all kinds of problems on meeting that 2 to 1, so they wanted to stack boulder walls. He said they need to back up and get a set of plans and see just what it is they are proposing to do. Mark Bean said Joslyn indicated to him that one of the ways they are arriving at the cost estimate is actually putting the work out to bid and then receiving a bid and using the low bid. Actually that's not an engineer's estimate. They may achieve a low bid at this point that may or may not be there in the spring, or it may be one that wouldn't be available to you if you had to complete the project. An engineer's estimate is not supposed to be based on a bid, but rather the engineer's estimate of costs in the market. Commissioner Stowe asked, what are your feelings, Randy and/or Tom, on the rock wall as to its workability; is that something we really want to live with? Randy said he'd like to see a rock wall, it depends on the height, the distance and if they've got anything to tie it into. If they cut back into the bank I'd be concerned pressure would come down and push it over, without tying something back into it, straps

or how they plan to do it. Chairman Martin asked if this was the hillside preservation area that we're talking about on the rock wall? Don DeFord said this was subject to a special use permit by the City of Glenwood Springs. Chairman Martin asked if they had seen the special use permit and any plans on re-vegetation and stabilizing that. Don DeFord said we don't have the specifics on that at this point; that was done basically by High Country. Chairman Martin said he had not seen anything on their hillside preservation committee, anything at all; they do have one. Mark Bean said it went through and it was pretty quick application, he believed that it went to the planning commission or the City Council, but it was approved. Don DeFord said he just talked to Lee Leavenworth; they would like an opportunity to talk with Joe Hope and find out exactly where he is with this. Don told Lee that he would ask the Board to set this over for a week, recognizing that we do not have a valid subdivision improvements agreement in place at this point, even if the Board adopts the 3rd amendment to that agreement. Also, recognizing that as a practical matter, the Board would not be taking any action to do anything to find a violation of that for the next week. It's up to the Board how you want to proceed. Walt said that if they don't have it by the 18th, they are out of luck until the 8th of January, correct?

Mr. DeFord said the other item was that the 3rd draw request. He said he does not have it. He said Joslyn indicated verbally that one was being put together. The intent here, and hopefully we'll have better definition of this next week too, was to draw down the existing funds that we have in escrow and then replace it. This is what this agreement, that's also attached to the documentation I gave you, provides for is for them to replace it within thirty days after that period of time. Chairman Martin said the Board would not pass anything; they'd wait until they get everything signed, sealed and delivered as was requested. Commissioner Stowe said and a certified estimate that the Board is comfortable with. Commissioner McCown said he didn't know if it was a misprint, but under the sewer line, the first line with the asterisk price includes pinching and fittings and there's no other asterisks anywhere on there. Commissioner Stowe asked if this was a point of information? Commissioner McCown said he didn't know if that was a point of information. Mark Bean said he thought that was intended to deal with all of the costs below. Commissioner McCown asked if everything under there would include the price and fittings. Attorney DeFord suggested to give them a time next Monday. Also, he would not take action on the 3rd amendment until next Monday as well. Chairman Martin asked if they could do it under Don's time. Commissioner McCown said that would be the logical place. Don said he would make arrangements with Barb to do that.

Mr. DeFord said the other item he wanted to discuss briefly we generally called the road to West Glenwood Estates, this is the subdivision that is being proposed in West Glenwood to the City will come out into the County and utilize a road, and that was the question as what type of road is it. Mark Bean presented two digital pictures. One from the bottom above the top house where there's actually a chain across the road. Another looking back towards that direction and there are two roads there. It was noted that the chain is there to minimize access for people because the City has a water tank up there. At this point he assumed the City used it for access long with recreationalists going up and down that area. Mr. McCown asked if the chain was controlled by the City. Mr. Bean said he believed so. He said it is an unimproved road at this point. The proposal is to allow the homeowners' association that's going to be formed for this little subdivision at the top here that's part of the West Glenwood Estates to be responsible for upgrading and maintaining that road all the way down to the intersection with the existing Mel Ray Road. He indicated according to Road and Bridge records we do identify it as a County Road, but it is a Class 9 unmaintained, primitive road, so we don't do anything with that. Once you get up to what is essentially this loop here where the houses are, for all intents and purposes, it's a one lane road. There's not much there. He noted that one of the residents up there likes to keep their RV in that location too. So we'll probably have a little bit of a battle there. Commissioner Stowe asked if we receive highway user funds for Class 9 roads. Tom said it's on our highway user chart, but we don't receive funds from it because it's a Class 9 which is a primitive status, non-maintained road. Walt asked what the estimated grade was on that road. Mark Bean said if you go to the what is sheet 5 of 10, you will note that at the intersection of the road with the present Mel Ray Road, the grade is 15% grade right at the intersection. He said he remembered from many years ago, and Don may have this same recollection, there was a debate as to whether or not the County should close the road off because it was a favorite sledding hill for a lot of the kids in the neighborhood. Obviously a 15% grade you can get going at a pretty good clip. It is, particularly down at the bottom, a fairly steep road, obviously the grade levels out a little bit as you get up toward the top there. He deferred to Don in terms of types of issues you need to consider as to whether or not you

want to allow a private entity to both upgrade and then be responsible for it. That's the request from the developer because the City wants a response from us before they'll proceed forward with the subdivision request. Mr. DeFord said the lots in the existing subdivision that's in the County obviously have a right to access that road because it's an improved subdivision. The request, however, is to allow additional lots outside of the existing subdivision to use that road. That probably, as we told you earlier, would require an amendment to the plat. Mark agreed and noted that right at the end of what is identified as the cul-de-sac itself on the existing Melray Road, the developers have and own Lot 1 in that particular area, so that's why they are proposing to go through that area to gain access to their proposed Lots 2 through 6. Commissioner Stowe asked what's the existing right-of-way on the lower portion of the existing road, where it ties into Melray; he asked Mark if it was primarily a one lane road. He said he thought there was going to be some additional cutting necessary and filling possibly. The lower section and particularly where it kind of loops, there is a pretty tight corner and it appears that some of the property owners have improvements getting pretty close to those lines. He said he didn't know the right-of-way width at that location. Mr. Bean said they're proposing 40 foot. Mr. Stowe asked who is currently maintaining that portion of the road. Mr. Bean said he believed the homeowners do. There are four houses who use that as their primary access. Mr. DeFord said that in talking about the process to add this road, would probably require an amendment that probably would require a preliminary plan because it adds a road. That's a public hearing. Mr. Bean said this subdivision was developed in 1958 prior to any kind of subdivision plans being submitted to the County. It was basically just platted and there are a number of the lots that surround what is supposed to be a proposed cul-de-sac that are completely undeveloped, that are actually behind the chain itself. Commissioner Stowe asked if these lots are incorporated in the City at this point or are they still just County lots. Mr. Bean said these are all County lots. He said what is interesting and surprising is that we've never had any building permit applications that he could recall for those lots. Technically they are legally created lots. Mr. McCown asked if they were under single ownership. Mr. Bean said he had not done that research. Mr. McCown said the improvement of the road would probably spur that activity pretty quickly. Mr. Bean said he thought Mr. McCown was correct. Mr. Bean said another alternative would be to request that the City annex the road. Mr. Martin said that was his suggestion to Hooner, to go ahead and annex the road and take the responsibility of it, widen it and put it to their standards. At that point then they have the responsibility of maintenance afterward. They do have Lot 16 with their water tank on it. At that time then they would be maintaining the road, controlling the access through their properties. Mr. McCown asked if this parcel above is wanting to annex into the City. Mr. Martin said it is in the City. Mr. Bean said if you look at the project the cul-de-sac that is being accessed right here ... Glenwood's is right there.. it's directly adjacent part of the Western Hills subdivision. Commissioner McCown asked if you are talking about taking Mel Ray Road all the way to the other section. Mr. Bean suggested at least down to the present intersection of the unmaintained section. He said arguably they could annex the water tank also at the same time and perhaps if the property owners, whoever they may be that own the other lots that are undeveloped, may want to annex at the same time too. Mr. Martin said that at time they'd have a maintained road within the City limits with their standards. Mr. Bean said the question to Don procedurally, we would have to consent obviously to the annexation. Mr. DeFord said we would. Mr. Bean said that would be our obligation at this point. He said the other side of the issue is that he has no idea what the response of the existing residents would be. Mr. McCown said that would be his first concern on annexation is whether they would want that or not. Mr. DeFord said there are some of those lots you wouldn't automatically make an enclave by annexing that road, so if they don't want to be part of the City, they wouldn't have to be. Mr. Martin said they wouldn't have to be, but they would have the door open to them so they could go into the City fairly easy on an annexation agreement. He said if they wish to go ahead and have accesses to annex Mr. McCown said the developer should build a road to the appropriate standards that the City would annex, and then the City would annex the entire roadway all the way to the intersection. Mark Bean said he would write a letter to that effect for John's signature.... Mr. Martin said if you want to do that and then take it to signature and then go ahead and forward it. Mr. McCown said if they're waiting on a response from us.... Mr. Bean said he would send the letter to Mr. Dennison who is the engineer on the project and then go from there.

EXECUTIVE SESSION

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an executive session to discuss litigation with the Town of Silt and a personnel issue; carried. Walt motioned to come out of executive session; McCown seconded; carried.

OTHER ITEMS

Attorney Don DeFord said that earlier he had indicated to the Board that when they came out of Executive Session, he was going to ask them to give formal consideration to a proposed Settlement Agreement in Case 00CV 20 3-A which is the litigation with the Town of Silt and the Board of County Commissioners as well as Western Slope Aggregates. You've had a chance to discuss that but I don't believe you have taken any formal action on the matter, I'm asking you to do that at this time to either approve it or reject it. Commissioner Stowe made a motion to approve the Settlement Agreement as outlined by Don DeFord and presented in front of the Silt Board at their ratification ... move forward on this litigation; McCown seconded; carried. Mr. DeFord indicated that while you took public action on this matter, Silt has not taken final action on it, and until they do, without the permission of Silt, this agreement is not a public document. Mr. Martin said he understood.

Mr. Martin asked for a motion for adjournment. Mr. McCown made a motion to adjourn; Stowe seconded; carried.

Attest:

Chairman of the Board

DECEMBER 18, 2000

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 18, 2000 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.

INDIVIDUALS APPEARING BEFORE THE COMMISSIONERS, ITEMS NOT ON THE AGENDA

No citizens appeared.

ADMINISTRATOR'S UPDATE

Performance Appraisal System

County Administrator Ed Green said that as one of her last official acts, Phyllis is here to discuss an outline of the proposed performance appraisal system. As you know this is one of our 2000 objectives, and the model that she is going to propose has its basis in the supervisory peer reviews that we conducted this year.

Phyllis said she gave everybody a handout this morning when she came in that says "Proposed Performance Management System 2001." This is a conceptual overview of what she thinks a performance management system is and should be for Garfield County. She is also working on the actual performance appraisal document which she will present to the personnel committee on Wednesday. She wanted to give the Board a conceptual vision of where we're going with this and see if they had any thoughts, ideas, or input as she works on it. The first question she asked - what is performance management? Performance management means letting employees know ahead of time what is expected of them, how well they are meeting those expectations and how to improve and develop new skills during the year. It's a three part process. It involves setting expectations at the beginning of the year; providing ongoing feedback as to how you are doing in your job all year long; then at the end of the year, reviewing progress annually. She believes we need accurate and up-to-date job descriptions, which is a task for Human Resources for 2001. She said we need to have performance management training for both supervisors and employees. We also need a performance appraisal document. We will tie pay for performance back to the actual expectations in the job description. To insure consistency, we're again going to use the supervisory/peer review process. I'd be interested in any comments, thoughts, ideas, that you have on what I've presented so far. Is there anything that you want to make sure happens, or doesn't happen. Chairman Martin asked Phyllis if she would be available to contract as well. She said yes. Ed Green asked if Phyllis talked to other elected officials last week to get their point of view? Phyllis said she and Jesse met with Mildred and Georgia. Phyllis and Steve had a conversation about this.

Airport Land Site

Ed Green introduced discussion of the Airport Land Site Plan. We've received another update prepared by Riley Johnson. The plan incorporates the changes that the Board had desired last time for the property that we purchased out by the Garfield County Airport. To the south side here, you have the main access that's going to come into the Road and Bridge facility. All of that's there. #1 is the building intended to be cinder sand storage. #2 is the building that is presently under construction. That is going to be the equipment storage building. It's the one we got from the CB tract that is presently in process. #3 is the weed management storage area. We haven't been able to update the topo, which is probably the next step we need to do in terms of this process to complete the drainage portions. #4 on the chart is identified as Employee Parking. That way the guys can all come in, park in that area, grab their equipment and go down to the shop, which is #5. What's shown there is a 100' x 250' building. Tom and Jim from the motor pool, there are some modifications to that as result of that trip, and the proposed building now that you see in

front of you is 275' x 100'. One thing we learned is that the 100' is critical. The 100' safety depth is important for being able to get varieties of vehicles in there. Basically to avoid congestion. The west side of the shop itself would have parts storage, lunch room, some of the offices for the mechanic and motor pool, there's a couple of rest rooms and showers in there too. The first three of the larger bays is where most of the major repair would occur. Bay #4 includes a motor pool on one portion of it on the south side. The top portion has a pit for changing fluids, and then of course the motor pool one. What you see as overhead crane is intended to be a single crane that would move back and forth between these four sections here. They have a ten ton crane and the head of their department said that in some circumstances that isn't enough. CB's a twenty-five ton. A question was asked, if we could acquire the CB Crane that would be not only a good deal in terms of purchase price, but also a good deal in terms of the size? Mark said the remaining bays are for smaller vehicles, for less intensive work such as tire changes in Bay 6. There are two more pits for servicing the vehicles. This completely separate welding bay also has a hoist in it. There's a drive-through wash bay on what would be the far east side. The second page is proposed offices that would be in the upper, 4,000 s.f. of office and meeting room area in the top of the section on the east side. Ed Green said one important safety feature we stole from the Eagle one is the half-high partition straight down the middle of the area. They have that and that's an incredibly good safety feature. It keeps vehicles from encroaching. Commissioner McCown asked how they would get a semi in there? Mark said they come in through the doors themselves, they would have to back in. Larry McCown said he didn't see a pit that would accommodate our heavy equipment for oil changes, pits 4 and 5 would be the heavy equipment. Commissioner Stowe asked if there was a problem with ADA accessibility to the upstairs offices. That's an issue we'll have to deal with. He also said that if we can't bring a semi in to work on it and close the door in the winter, isn't that problematic? Mark said yes. In the tire repair bay there and the ones with the pits, those are drive through bays. How many additional FTEs are you anticipating to staff this? In all reality there will probably be one more motor pool. This is the internal workings to what was initially identified as a 250' long building because that's what we told Bob we were dealing with. To continue, #5 is the Road and Bridge Shop and area #6 is the truck parking area which is just on the north side of the building itself. #7 is the proposed or possible community corrections facility, #8 is another possibility if necessary of a another detention center or jail. The area in-between here where all the parking is, is as we discussed the last time, better utilization of our overhead high voltage wire space that we can't really put buildings in. #9 is the County Courts building. This is a 36,000 s.f. building that could be expanded to 48,000 s.f. if necessary. #10 is the County office building, a 24,000 s.f. building that could be expanded to 36,000 s.f. if necessary. The area out front there is the proposed parking to meet the building needs of those areas down the road. The intent in the interim, obviously building 7 and 8 are hopefully a while off here, before we have to worry about building a new jail. Tom would probably use a lot of this area down here initially for equipment storage and material storage for Road and Bridge, but he understands that he can't make claims on it for the long term because there may be additional needs here. We have agreed to with our intergovernmental agreement with the City is to develop this site plan and then go back to them and have them review the site plan. We need to have agreement among ourselves that this is what we want to present to the City. Assuming we make those steps successfully, the next step is for us to actually rezone this property. Presently it is zoned under the Mamm Creek or the Rifle Airport Industrial Park PUD. If we would rezone this property it would be more consistent with the public uses that are proposed on the property itself. Walt asked if we should identify some building envelopes in there for the future before we submit to Rifle, or is it always going to be needed for storage? Tom said a good portion is going to be needed for storage ... culverts, bridge parts, sanders in the summertime, the wings. Larry said that's primarily the access for the proposed community correction and detention center. Mark said yes. Ed said, so what I'm hearing is that you want the Court facilities back towards the jail. Walt said, maybe where the jail and corrections are we could even slide them back if we needed to. Larry said, that would be my first choice. Would you prefer to see building envelopes identified on this north side? Walt said he would; just so there's no question that we intend to put buildings up there in the future. Ed Green said that was the thing they saw more than anything; people who didn't size it right at the beginning are struggling with it forever. Larry said he was assuming this would be a steel structure building. Mark said metal buildings are easily added on to.

Ed Green next spoke to space utilization. He said we have space that's going to be vacated by Communications, Healthy Beginnings and the Sheriff's Department later in 2001, and this provides us an opportunity to re-utilize and optimize some vacant space for organizations in need. Dale and Rob Hyks

have developed a plan of action related to that. Dale said the need just kind of happened with the relocation of Healthy Beginnings out to Glenwood Medical and the Sheriff's Department vacating the adman space on the 3rd floor. It created an opportunity to use the space for other County purposes. Between myself, Rich Alary and Rob Hyks we had the appropriate discussions with the affected users in all of the suites that you see there. It's their vision of what they feel they need to do their job effectively. Each one of the suites also has a budget figure attached to it which I had Rich do. It's somewhat of a swag, but there's at least a target for it based on some history in terms of the painting and carpeting inside of it with what we've gone through this year. We're looking at a cost for the whole project in the vicinity of \$55,862. That money has not been budgeted, however, we experienced somewhat of a windfall this year in terms of a premium savings in our cap costs to the tune of about \$130,000. I would propose to take roughly the \$56,000 that this would cost, have a transfer from Administration over into Facilities Management to accomplish all of this. The interesting thing is that it is almost a full circle kind of a rendering from this building's original perspective. Dispatch going to Rifle creates an opportunity to give us three to five years of more effective utilization for public health functions within this facility. As I understand it, there's also some discussion about eventually moving Public Health into a medical campus somewhere three to five years down the line to where we can again recover more space to use for internal County functions. Trying to get thirty years out of this building is our challenge. One of the better parts of this with the occupation of the Healthy Beginnings suite by Community Corrections is that we'll actually have a place to corral the Workenders where we can keep them under direct visual surveillance. We've also secured the equipment to allow for the finger printing and the pictures and all of the data entry to be accomplished within that suite of offices. We have another initiative going on now in terms of space utilization at the Taughenbaugh Building. I'll be prepared to come forward with those recommendations within the next thirty days. It would show a reconfiguration of functions at the Taughenbaugh Building stressing a minimum amount of construction, painting and renovation. If the Board is favorably disposed by that, then we might apply that same process into that Public Health suite specifically in that that's the one that does contemplate the most amount of physical change. Larry asked for the latest update from the Court Administrator on said space needs for the Courts. Ed said they've heard nothing. Larry said that during the jail discussions wasn't some serious space acquisition considered within the next five years to be necessary, and if it doesn't happen in Rifle. Ed said their indication was that they wanted an additional courtroom and associated facilities at Rifle, and that's why we have that court facility targeted on the airport land site plan. Larry said he was not in support of fragmenting our government any more than it is, so that a constituent has to drive to four different locations to conduct business. Larry said if Mary could utilize the Communication space without extensive remodel, he wouldn't have a problem with that. Chairman Martin said let's go ahead and explore those options, work them out, have some conversation individually.

Henry Building Second Floor Stair Design - Space Utilization Recommendations

Ed Green said the next item is the Henry Building Second Floor Stair Design. Chuck Brenner our architect has completed some redesign drawings on the Henry Building and solved some of the fire safety and egress problems associated with the second floor. Randy said the last time Chuck was here we talked about the second exit from the second floor, and Larry had brought up a good point in regards to egress from the window area going across and coming down, or going inside the building. Initially we had talked about a stairway right down here on that corner, but we looked at the hallway, put one right out to the east side where right now the engineering office is in the hallway put the stairs down there and come right along the east wall, which is basically right here. Larry asked if that would drop it down where in the lower floor. Randy said in Mildred's area, and then this would be used as storage. It comes in here and this way she could use storage underneath on the east wall. Mildred asked if it was going to take space out of her area. Randy said it would be giving her an enclosed area for any storage like license plates and such. Larry said it would take at least four foot off. Larry said, so we're cutting another door through that masonry wall, the east side wall. Randy said we were originally going to have to. It was either that or a sprinkler. When the buildings were originally built there were no fire safety codes. They require panic bars on all the outside doors, and yet they make the interior doors swing in. Go ahead with it because we may need those offices at some point.

Road and Bridge Shop - Conceptual Design

Ed and Randy had a meeting with Waste Engineers at the end of last week, and they've reported some good news to us that related to the Rifle Road and Bridge Shop contamination. They've concluded their testing of the wells that were sunk in the outer areas and there is virtually no contamination from those, so the plume

is very focused. It looks like their remediation of it will be much less than we had thought. They're talking about options now as to how to deal with the free liquid that's under there. It's about six inches in total and it's very focused area. I think they're going to do a couple more test holes. There is also a requirement for a preliminary report to be issued to the state based on that information, and Waste is going to prepare that report for us in the within the next thirty days and send it on. It looks like it's going to turn out better than we thought.

Northwest Colorado Council of Governments - 2001 - 208 Water Plan Amendment

Northwest Council is offering to do a freebie for us in terms of some 208 water quality planning for the lower Roaring Fork, essentially updating the data and information that was done previously. Chairman Martin said we ought to move ahead.

We've got some slight adjustments. Jesse said he met with Steve Rippey Friday afternoon. He was nearing his deadline for certifying mill levies, and noticed that the capital had not been grossed up for the excess property tax that you approved on December 4. That amount to a little over \$203,000 needing to be added on to the capital fund revenue which increases fund balance by \$203,000. I'm putting in front of you an amended 2001 budget that we would need you to accept so that it can be put into that certified 2001 budget that we send off to the state. That increases our fund balance to 3.3 million in capital. Chairman Martin said which is corrected on page 101. Walt made a motion that we amend the budget as per Jesse's discussion with the increase in capital project funds; Larry seconded; motion carried.

COUNTY ATTORNEY UPDATE

Recession of Resolution 2000-62: Western Slope Aggregate Special Use Permit

Don DeFord said the next item on the agenda is consideration of Recession of Resolution 2000-62: Western Slope Aggregate Special Use Permit. This is part of the resolution of the litigation with the Town of Silt. We have in hand a written request from Western Slope Aggregates to rescind that resolution, 2000-62, which was the resolution you signed approving a special use permit for Western Slope Aggregates to develop a gravel pit in the Town of Silt. I would ask at this time that you would authorize the Chair to sign a resolution rescinding that 2000-62 pursuant to your agreement to resolve the litigation in Case No. 00CD202-A; Walt so moved; Larry seconded; motion carried.

Four Mile Ranch/Four Mile Road CR 117

Amended Subdivision Improvement Agreement and Estimated Cost of Completion

Third Draw Request

Mr. DeFord said the next item listed for public discussion concerns the development of County Road 117, Four Mile Road and Four Mile Ranch development. There's been some difficulty over the last several days making contact with the developers' engineers. Lee Leavenworth said his client apologizes for not being here. They tried to come last night and got caught up in a road closure and turned back. They send their apologies. Last week following our discussion with Mark and Don, we were trying to get first the draw request for the finish of the road work and we were trying to get the plans to advise Walt that we've been asked to provide. We were trying to get the cost to complete. We had faxed one over, but it was not stamped or signed. The problem we had was Mr. Hope was unavailable last week, and we finally got with him this morning. He has signed the draw request. We got Joe to sign everything; he is back and I know that the County wants to talk with him more about the plans on that wall and we're happy to do that. To make sure I get the numbers right, is for \$256,980. Also, the County, pursuant to the original subdivision improvements agreement, has in place right now, \$58,000 that we have not contributed to this project. Lee said that's right. Mr. DeFord said if you were to pay the entire draw request, Lee, how much would that leave? Lee said that would leave between \$240,000 and \$250,000. Mr. DeFord suggested that the most critical item for them is the independent trucking bill at this point. Lee said the only bill we'd really like to get paid promptly and ask that you consider at this meeting is part of the draw request would be the independent trucking bill. As I'm sure you know independent trucking really worked hard and furiously and feverishly to get done what he needed to get done, and to do it in the time frames we all needed him to do it in. If at all possible, I would like to see that bill get approved for his benefit. We can deal with the rest at a later meeting; the cost to complete that Joe has prepared that we've submitted to the County does include redoing the sub-base and the paving in its entirety; we will redeposit those funds per our agreement within the time required. I would ask that if at all possible, we could get Bill paid today. Don DeFord said he wanted to reiterate for the record as I have before that the County does not pay bills; in this case we're holding security. The developer is responsible to pay bills, not us. Lee said the cost to complete is

\$531,807 which if you take the \$58,000 off of that would be what the developer will have to insure is deposited with the County. Tom and Randy, had some questions about that estimate. Lee said that he would commit, now that Joe's back, to work with the County staff. Do we release existing security prior to having a new one in place? That's correct. Don DeFord said he had in front of him the proposed third amendment to the subdivision improvements agreement. I will note that while we're asking the Board to sign this and the developer is already out of compliance with it, so I don't know if it's appropriate to go forward. Don said the second paragraph is the one that will require that there be engineering reports to the County in a timely manner. Walt said it sounds like we need virtually all of the deposit money in there to complete the project anyway. If we were to release any funds to you, we'd put the County at risk of having to absorb that in order to complete that road. I don't know the exact numbers. I feel sorry for the Independent Trucking Company, but I have a real hard time releasing these funds. That's my initial take. Lee said that he understood the County's position; the way the SIA and various amendments have been drafted, contemplated use of the funds and then a new estimate and a new deposit within thirty days of that date. If you release money it's because you are satisfied that a certain element of the work has been properly and satisfactorily completed, so you are releasing security. Larry said under the signature of the engineer, he is certifying that the work has been performed. Don DeFord said the question he has raised throughout is, whether or not the actual cost bears a close relationship to the estimated costs, and I don't know the answer to that. Larry said he realized that's a very important question as we come down to completion, but I think all that Joe or whoever signed this on behalf of the engineer, is verifying is that work that we're being billed for has been performed. That Frontier Paving has done "x" amount of dollars worth of work, Dodson Engineered Products have sold "x" amount of product, A-1 Traffic has done "x" amount, and so has Independent Trucking. There's no mention, at least I didn't see, as far as percent of completion that's being signed off by the engineer. It is just verifying that those particular items have been done. Don DeFord said that's right, the problem we have is that because you're holding security, that's security is based on an estimate, not the actual cost of construction. When they're making a request for release of funds, it should be based on the estimate they gave us many months ago. If you follow that practice, then you should end up with sufficient security. Walt said the fact that our cost to complete now is changed dramatically, in fact the total project has changed too. Walt said we're not retaining enough security if we release these funds. Bill's work is done; that work doesn't have to be redone. That's why we hoping you'll favorably act on the request of those funds. Larry said he didn't think Bill's work was done; those slopes are not nearly done. He's not done; somebody isn't done. Chairman Martin said it was down to decision time. Do we have a motion to release funds or not to release funds? Walt said he could not in good faith make a motion to release the funds. He made a motion to hold the funds until we've had a chance for our engineer and road department to review the proposal with the engineer and see what the actual costs are of completion. Otherwise we leaving the County at risk. My motion would be to not release the funds at this time. Chairman Martin said to deny the request for the third draw? Larry seconded; discussion? Chairman Martin said we understand that Independent Trucking and the pavers, all are getting the short end of the stick here. Larry said they may be getting the short end of the stick, but this is the responsibility of the developer. Chairman Martin agreed. Larry said, these bills are the responsibility of the developer. The only reason that we have that security in place to insure the completion of the project. Right now we don't know what the completion cost is, period. Larry said it hasn't been made real clear through the course of this project, how the pay process works. The contractors or subcontractor was clearly under the impression that the County was the payee in this operation, that is not right, nor are we ever. I think someone within your organization needs to make it clear to that contractor how the pay system works in these subdivision improvement agreements. Chairman Martin called for the question. All those in favor of the motion to deny the third draw; motion carried. Don DeFord asked if we could set time on the January 8th agenda for this. Chairman Martin said just do it under your time.

EXECUTIVE SESSION

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss property acquisition for the 116/117 intersection and the notice of claim that Don received; carried. Don requested Ed, Jesse, the Board, himself, and Jim Leithauser for the meeting; motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

REPORT FROM SHERIFF

Chairman Martin asked Sheriff Tom Dalessandri to explain what he needs. Tom said this is about cashing out some PDO days for several of our employees. The purpose for that is those people that are in that group are going over their allotted PDOs and the reason they are going over them is because they have not been able to take the time off. It's not been a discretionary thing on their part; it's been a mandate of mine that they be there. For that reason, it's my responsibility that they went over their PDOs and not theirs. I opted to pay out those PDOs rather than lose them. On some occasions people go over them because they accrue them and then decide not to take them. They may have that flexibility. In this case, it was clearly a situation where they could not afford to take that time off. I have the money in my budget to pay those out, so I opted to pay those days out. Tom, said you mean extend them into the next year? Martin said within your bookkeeping system in your personnel system could you do that? Tom said, no, our understanding is the PDOs...you lose them at the end of the year. I've never seen a policy change that would allow them to be extended. Chairman Martin asked if there could be some in-house bookkeeping system that would be able to go ahead and allow that to happen under extreme circumstances if it's only a small number of people. Tom said these are all key people in the organization whose work is increasing; it's not decreasing, for the next six to eight months. Walt said you set a lot of your own personnel policy anyway, don't you Tom? Tom said yes. Walt said, couldn't you develop your own policy program that allows you to pay that PDO within your ... Tom said he'd done it before under other circumstances where people have had emergent problems and we've paid those out routinely in the past. In this case, it's not a matter of an emergency, but it is a matter of me requiring that they be there. All the different things that have been going on over the last year have just not allowed these people... and by their own volition, they want to stay on the job and get things done. They've put in a lot of extra work; a lot of them have put in work they have not been compensated for, weekend, nights, trying to keep on top of all of the things that are going on. These select people, I feel, this is a recognition to them that I recognize their hard work and at the same time I can't afford to lose them for a week or two to get them underneath that power curve, to get those days burned up. I opted to pay them out for those days. There's money in my budget through salary savings to cover that; if I didn't have the money, I wouldn't be doing it. Tom said that this is a one-time thing, and it's based on that fact that these select people who are on that list just could not take the time. My policy says it is a case by case basis on a part of the sheriff as to whether anyone is granted that time. Ed Green's concern was that it was a violation of our personnel procedures, HR procedures 4.09, and it sets a precedent. Tom said a few years ago he started moving more and more the County's policies, and there are situations that continue to develop that conflict with my operation. As we move in that direction, I see myself moving farther away rather than closer to many of the policies that the County has. It's one I'll be discussing at the personnel committee, at the upcoming meeting. Ed said even if you adopt your own policies, how can you provide deference to three people and not to the rest of your staff. Tom said the rest of his line staff they require that they take time off. There's a difference. When you're a road staff or line position there's always another 15, 20 or 30 people there who can take your place. When I have key employees in the organization who can't be replaced by someone else, they have specific job duties and functions, when they are not there, their job doesn't get done. That's really what's driven the problem. Tom said all he was saying was that he could accommodate the line staff people. There's someone else to take their place. Tom asked Don DeFord to comment on it from a County side. Tom has always been carefully counseled by legal counsel, and he didn't see that there was a conflict in this. Don said this was just coming up today; he wasn't sure what Tom's policy provides regarding PDOs. He knows what ours provides and it does not provide an exception, so we really can't do it under our policy. Tom said his does allow for the sheriff's discretion specifically to pay out PDOs under circumstances. He said he was comfortable that he was within the parameters of the law based on his legal counsel. He has money within his budget to satisfy this, and he thinks this needs to be done. Larry asked how many PDOs these three employees have taken this year? Tom said he didn't know right off hand. Larry asked if they had taken time off. Tom said they have taken some time off; it's been usually in the counts of two and three days kinds of things. It's not been weeks at a time. That's really the problem. He said he can't afford to lose them for two weeks at a time. Tom said this is a rare occurrence. It's not happened in the past. We've had the flexibility. This particular year with all the different things going on between the computerization, the new jail, reclassification,

budget issues, there have been a lot of things that have piled upon us administratively that have limited our capability to have that kind of time. Larry said, you haven't any nonexempt line employees, as you're talking, that are in the same situation? Tom said no. That's not without expense either because on occasion we've had to have people work overtime in order to get those people to get their time. There were seven or eight that were coming close and we required several of them to take some time off and they were able to do that. Chairman Martin asked Tom if he gives written notification that they're getting so close and that they need to consider that? I think that's pretty standard. Chairman Martin said it goes against our policy to give you permission. You are going to have to follow your policy and to do what you feel is right. Tom said he thought this was reasonable and fair to them. Chairman Martin told Tom it would up to him. The County is ultimately responsible for the sheriff's activities. Larry said he wanted to make sure that Tom is not separate from the County when it comes to legal action. The County is named as the payee on that. Larry said he cannot approve it against our policy. As far as Tom's policy is concerned and that actions that Tom takes, I guess that would be your choice. Chairman Martin said, no motion needed, it's a policy decision that the sheriff needs to do, and he'll follow his policy and we have to follow ours as is written.

COMMISSIONERS REPORT

Larry McCown said he had an AG&C luncheon tomorrow, and the communication board meets this Wednesday, and Thursday afternoon he's leaving for holiday season. Larry gets back the 29th.

Stowe said Rural Resort met Friday. He had the legislative luncheon here. There was a poor turnout with the way the weather was. There were probably a dozen there. Two legislators, House of Representative from District 56 and 57 were the speakers. They are both freshmen representatives, so they're just getting their feet wet. They will be interesting to talk to a year from now. This week, Personnel Committee on Wednesday at 9:00 a.m.

Ed said Strategic Planning is continuing the discussion today at 1:30 p.m. to 3:00 p.m. What you see there is the brainstorming part of Strategic Planning where we're identifying all possible hits and grouping them together to try and decide what might be logical improvement projects to commission next year. Ed said he'd like to see 10 to 15 projects targeted this year. Walt said there were 24 some last year. Ed said they'd end up completing about 18 or 19 of the 24. Larry said we should set 15 as a maximum, that way we can do them well.

Chairman Martin said we're giving away some more money. The KN Energy for Kids will meet here the 21st, Thursday, 9:00 a.m. That will be KN's payback to the kids in the communities. Mr. Martin will also meet with the library board chairman and director on Friday at 9:00 a.m. to discuss the issues they had down for better communications, and Jesse if you're available, you can run down with me.

Library Board Members - Appointments

Chairman Martin said there was also a request from the library to re-appoint the chairman of the board who is up for re-appointment, as well as one other. We have a vacancy. Bill Craig is leaving. Larry said the letters that Barb gave them this morning. Mr. Martin said there's one from Susan Barrena. Larry said it indicated that the other one was interested, but we don't have her letter. Chairman Martin said he didn't have Mary Moore letter, but she also relayed that she was interested in being re-appointed. Larry asked if there would still be a vacancy. Chairman Martin said there would still be one, and we need to go ahead and advertise. Larry McCown made a motion to re-appoint Susan Barrena and Mary Moore and then once we get the advertisements out for the absentee position, we'll make that decision at that time; Walt Stowe seconded the motion; motion carried.

CONSENT AGENDA

a. Approve Bills

Commissioner Stowe moved to approve bills, McCown seconded; motion carried.

b. Adopt Garfield County Fiscal Year 2001 Mill Levies

Chairman Martin said next was the Hawkins Special Use Permit. Mildred said she didn't have it under her Consent Agenda. Mr. Martin said he had a letter for a resort that states that staff has determined that the

above application appears simplistic enough not to warrant referral to the Planning Commission for comments, therefore the staff recommends that you simply refer it to the Board of County Commissioners for review. If you have any questions, call Jeff Laurien. Mr. Martin said that was all he had on the item. Mr. McCown moved they refer the Hawkins Special Use Permit to the Board of County Commissioners; Walt Stowe seconded the motion; motion carried.

REGULAR AGENDA

Garfield County Fiscal Year 2001 Mill Levies

First on the agenda is to adopt Garfield County Fiscal Year 2001 Mill Levies. Board recognizes Mr. Rippey. Steve Rippey said the summary page on page 2 give you a synopsis of the entire package. Some overall numbers as it relates to last year, the total revenues collected in property taxes for all authorities for last year was a little over \$35 million. This year you can see that it's almost \$39 million. The school districts and CMC accounted for about a little over \$2 million of that. Let me give you a breakdown of the school districts. Chairman Martin said your recommendation is to go ahead and approve the certification of levies and revenue for the year 2001? Mr. Rippey said hopefully they are all right. Larry asked Steve, page 5 of 8, these are the mill levies for the cities? How is that number reached? Larry said if he looked at Carbondale, he sees 2.094 and when he gets over, they've got capital expenditure mill levies and bond redemptions tacked on to that, and that's incorporated in their overall. So anything they pass is incorporated and we're the collection agency for them? Steve said right. Larry said under "Rifle" he doesn't see anything on Rifle's line on line 1 below that I see 8.973, but when I get over to the Rifle side I see 521? Steve said you're looking at Silt. Steve said a lot of these authorities do a temporary tax credit and that's number 2 and you can see that it's in parentheses to show that that's a deduction. Larry McCown made a motion that the Board approve the certification of the mill levies and revenues presented by the Assessor and that the Chair be authorized to sign said resolution concerned with the approval of the mill levies for fiscal year 2001; Stowe seconded the motion; motion carried.

Vegetation Management Program, Weed Cost Share Program

The next item is Vegetation Management Program, Weed Cost Share Program. Mr. Davidson is here. Steve Anthony, Vegetation Manager for Garfield County, said this is the annual report for what the weed program did. The report is in five sections. We've got the cooperative agreements, an agreement with CDOT, BLM, the Department of Energy and Union Pacific. We've had an agreement with them in the past, but this year what they've done, and it works out well for us, is they've just gone with the local contractor and paid them themselves. We have been working...we came before the Board earlier this year about Union Pacific, and the Board did sign a letter that we sent to Union Pacific requesting that they come up with a plan. That fell in my lap; it was a project that Eagle County started and the person that was there left and went to Summit County. I ended up talking to the state weed coordinator because it seemed like a more appropriate thing for him to do and he agreed to take it on. He's actually drafted a letter to Union Pacific and he wants to sit down with them and all of us (the counties that were concerned) and get them at the table to deal with the issues that affect Union Pacific properties all throughout the state. I think that's going to be a good thing if we can get them to the table. Our agreements with CDOT are with two districts. For the most part it's the Grand Junction district, but we have a little bit that we deal with Craig, and that's Highway 13, the highway to Rifle Falls. I think we're making some inroads on the noxious weeds on the interstate, particularly between Rifle and Glenwood. As you probably noticed, they are putting in fiber optics line and they've been pretty good about communicating with us. I just met with the person ... and he's with Odesta they're are putting that in for CDOT, so we've been communicating. They have our inventory that was done on the interstate two years ago, so they know where the weeds are located. We expressed concerns about weed agitation, and if you're in a weed infested area, clean the equipment. We were especially concerned about the defuse and spotted Knapweed west of Rifle, between Rifle and Parachute, that they take care of that equipment. Clean it before they move. They've agreed to do that. I think we planned a meeting with CDOT in January with Mr. Allen from Grand Junction. A possible new project is there is some tamarisk I found below the summit of Douglas Pass which is pretty scary because we're all used to seeing tamarisk along the river. Our equipment is fairly new so just what we put out, I can tell every day what I'm doing, whether it's two acres or ten or fifteen. I think some of the high points were that we're making headway on Russian Knapweed on County roads which dovetails into our cost share program; they are complementary. Some areas we need to work on better on the County roads are the biannual thistles on District One. We need to find a balance; kosha is not on our noxious weed list, but it is showing up. We want to figure out a way to contain the hot spots where the kosha is, but still focus on the

noxious weeds. Those are some of the highlights of the agreements, and the County roadside management, education programs. Dennis has been a big help in that. We do many cooperative workshops with the SEDs in our CS throughout the year. One of the big ones we've done for four years now is the one in Carbondale; that's with SCD and NRCS and Pitkin County also. EPA applicator workshop, we did one in Rifle last year. That's something we do every year so folks can get their private applicator training. The calendar is a good education tool. Because of my time as a coordinator, we get 1,200 to distribute. I've got the minutes of the weed advisory board except the last one which I haven't received, and that was in November. You can see what's been going on there. It's a great group and a good board to work with. They meet the second Thursday here, 7:30. They've been a big help working with municipalities. We have two folks, Susan Sammons with Silt and then David Rippey is with Carbondale, or used to be a Trustee of Carbondale. We've been working with them. Chairman Martin said he'd like to see as one of our objectives this year is to get all municipalities to adopt a weed ordinance of some sort following our guideline. Mr. Anthony said he gave it to Ranger Ross on disk. Chairman Martin said and also bought him a book as well as giving the written policy so he's able to go ahead and revise that. I'd like to work with the State Parks Department, as well as the Forest Service which are a real sticklers for non-enforcement of their weed policy, and the Division of Wildlife and the Roaring Fork Railroad Holding Authority because we have a real problem in the Roaring Fork Valley. Mr. Anthony said he has a draft cooperative agreement with the Forest Service; I haven't had a chance to look at it and get it to Don. I want to go through it. RFHRA, I know that they've got a plan and they did work on it last year better than they had in the past, but there's still a ways to go. Chairman Martin said there was \$60,000 to take care of weeds on the corridor, so that's \$2,000 a mile. Mr. Anthony said that gets us to the cost share program, and that's been a partnership with the County, the SCDs, Dennis' group (NRCS), local residents and the Colorado Department of Ag really helped us out last year when we got that \$15,000 grant. You matched that. You can see we had 47 requests for assistance. We had 31 landowners who went through all of the hoops and did what they needed to do and paid out a little over \$13,000. The big number and we only counted these acres once, almost 1,200 acres of private land was treated for noxious weeds. I think that's impressive. It ties into what we want to do with Knapweed in Dry Hollow. Dennis talked about the cost share programs. Dennis Davidson, Natural Resource Conservation Service, said we've been working very closely with the weed employees for the County and the Weed District in helping administer those cost share funds. The Soil Conservation Districts are the one that are writing the checks to the landowners. We've been quite active in doing that as well as actually going out on the land helping to identify weeds and whether they should be spraying. From Mt. Sopris District, the riparian river trailer is a very good educational device and it's been shown to well over 1,000 people. It's been seen by over 1,500 up and down the valley in terms of how water affects our rivers and riparian areas along the streams. About halfway down the page, I'd like to mention the District cosponsoring or sponsoring directly a number of different workshops. Some of them were with the weed departments of either Pitkin or Garfield County. We've worked with your County road people on the grant application to the State Soil Conservation Board for a platting a living snow fence along County Road 100 up near the firehouse. We got the grant, so we will be planting three rows of trees up there to help the drifting of snow coming right across in front of that firehouse. The Southside District was very active in the weed program this whole year; they were the ones that were the impetus behind the public meetings and getting people there. Southside also provided an educational grant to Rifle High School. They actually went to their ag department to study ponds and pond management and ways that they could generate some income off of ponds. The Soil Conservation District's tree sales were very active. They sold over 22,000 little seedling trees this year. Looking at three projects in the Bookcliff District, the diversion where they divert water out of the Colorado River, we worked with a number of different sources of funds there, Bureau of Reclamation, the Silt Conservancy themselves, Colorado Soil Conservation Board, the Colorado Water Conservation Board, Army Corps of Engineers, all contributed funds or design time to build that new diversion and pipeline so they can stay out of the river. They were having to go into the river every year to build up a dike to kick that water into that canal to get it over to the pump house. We put in about 900 feet of pipe and this diversion structure to eliminate that work in the river annually. That should help the ecology of the river over the years. Mr. Davidson said there was a heavy rainstorm late in the Fall of 1999 that caused some washouts on Elk Creek; we got some emergency conservation funds through Farm Service Agency to put that project all back together. That summarizes what we've been doing; I hope it shows how we coordinate and work with the different departments as well as the weed department in the County. Chairman Martin said you have a new assignment, redoing the different sites for oil and gas disturbance. He said I think that will be taking up a lot of your time; you'll have seven to ten

days to make sure your report is in before the drilling. Steve said he and Mark went out and visited a site last week. Chairman Martin said you've really done a great job, and thanks to Dennis for being here as well.

Board of Health

Mr. Martin said the next item would be the Board of Health. Walt Stowe moved we go into the Board of Health; Larry seconded; motion carried. Mary said she would first give a brief program update. The WIC Program continues to serve the needs; we're up to 954 clients, so we're up to our contract amount. With the Immunization Program, Foreign Travel, services continue to grow, again with utilization by the County residents. All the flu vaccine has now been distributed to all of the communities, and there is vaccine that is still available. The Well Child Program, they are still doing medication administration. There was a provider class held 12/8 and it was attended by eight providers. HCP, we had a neuro-clinic on the 8th, and there were eight children who were able to attend that neuro-clinic as well with Dr. Nay. On collaboration and networking, we had a surprise potluck for Dr. Brokering scheduled for the 15th of January from 12:00 p.m. to 1:00 p.m., so the staff will be bringing food. You are invited to attend; we have that award that we want to give Dr. Brokering. Announcements for 2001 include, I just handed out our maternal child health plan for the year. It has been a process that the staff had gone through. I think I presented you a preliminary draft in July, and this is the final draft. I'm hoping it will move us in the right direction. I passed out a position paper for you for 2000. It's from the Colorado Department of Health. It actually defines Public Health Nursing; it give you the history of Public Health Nursing, talks about trends and opportunities, and then future directions. There's a timeline pictorial that goes over the history since the 1870s. Mary said that was all she had. Chairman Martin thanked her for doing a good job this year. Larry mentioned that there had been a discussion earlier regarding space availability in the building. He asked that Mary concentrate with Ed and Dale on some questions that arose out of that meeting. Modification to the building what it would take to fulfill your needs as far as the remodel and see what kind of an agreement we can come up with. We were talking particularly about the Communication area that would be vacated. Mary said sure she was always willing to re-look or revisit. She also said she had a letter she'd give to John from Colorado University Health Science Center thanking us for a preceptorship of the nursing student. Also, there is a check to GarCo for \$700 for our time and effort in that. Larry McCown motioned that we come out of Board of Health; Walt seconded; motion carried.

Human Services Commission

Chairman Martin said Human Services Commission. Sandy Swanson said I'm appointed on the Human Service Commission to represent infants and toddlers. It's an analysis of births in the County. As you can see, births are increasing about 10% to 11% a year. This trend is not going away. Also, for the first time this year, Eagle County births are surpassing Garfield County births. We're up to 717. Pitkin County's 169. This is not something just for Garfield County, but it's the whole region. Larry said that a portion of the Garfield County births may occur in Mesa County. Do you have a record of that? Sandy said this is from the Birth Certificates, so this is from where the mom is residing at the moment that she delivers. This is from the Colorado Department of Health numbers. The hospital numbers in 1999 were 928 total for the three area hospitals for births. Our moms are getting younger, though that's not the trend throughout the state. It is the trend here. We had almost 100 births of teens, the youngest we had this year was 14, so 14 to 19 years. You can also tell based on the Yampa Mountain High School enrollment; Yampa and I run a joint program for the pregnant parenting teens. They provide the nursery care and the educational services, and the Family Visitor Program provides home visits for them. That program doubled to 24 this year. As you can see, over half of Carbondale's births are for Latino families. That is a large segment of the population that we serve. We provide services to over 100 families each year in Carbondale that are monolingual Spanish-speaking. Family Visitor Program is increasing dramatically. Last year we saw 378 families. Our fiscal year ends in June, and at the end of this month we'll looking at what's happening in terms of our families. I think for the calendar year we'll be well over 400 families that we're serving with home visits. That's well over 500 children. We're running currently between 65% and 75% monolingual Spanish-speaking families. We not only serve Garfield County, but we serve Pitkin County, and the Basalt/El Jebel area of Eagle County. We have tried to provide layers of services so that families may not need the Home Visitor Program with its intensity of home visits for a year. They can take part in the Colorado Bright Beginnings Warm Welcome Program which is just one home visit by a volunteer. Our philosophy is we'd like to make sure that everybody who has a baby in the region knows that there are services out there and is welcomed into the community. The Warm Welcome Program does a marvelous job of providing a service directory as well as parenting books as well as free information. We still have

our parenting classes and our groups. This past year we entered into a partnership with Eagle County to accept Federal dollars for the Early Headstart Program. Early Headstart is birth to three. Regular Headstart starts at four, three to four, depending on what the grant is. It is extraordinarily well-funded government program which allows the match to be in-kind as well as the time that the families spend in the program. There's really no cash expenditure from us or Eagle County to have this program. What we've found is that it really serves the neediest families. These families have to be 100% of poverty or less to qualify. What they get is an hour and a half of home visits a week and three to four hours a month of group socializations. It is just amazing to me how quickly the families get involved in the education of their children, how they get involved in going to school themselves. I'm trying to enter into discussions with Eagle County to expand Early Headstart into Garfield County. There are two ways we can go with this. We can either be a subcontractor for them and have them apply for the grant monies for the expansion, or we would have to apply for our own separate parallel grant which makes no sense to me. Our goal is to start with between 75 and 100 families in the Garfield County area. That would allow us to provide services to them from birth to three. We can also use Early Headstart money to provide child care services and a center-based program as well as a home visit based program. We're going to be investigating that throughout this year. We also just recently got a grant from the Colorado Trust that we applied for jointly with the Colorado West Counseling Center. It's a supporting immigrant family grant for the State of Colorado. We were one of eleven programs that were funded. We get \$75,000 a year for three years. What we're going to do is provide screening services for Latino women, who are pregnant or parenting, for depression and anxiety. We were able to do a little research project and found that the women in our program who don't do well are the people who are depressed. They do not do well in terms of attaching to their children and they do not do well in terms of their children's development. When we wrote this grant, we basically asked for a couple of different things. We asked for some money for us to continue doing our home-based education and case management. We also asked for a counselor to be attached to this piece of the program from Colorado West so that home visits could be provided for these families, and medication could be given if needed, counseling could be given and this would all be free of charge because most of them are not covered under insurance. That was the big stumbling block for getting the services initially. With our English-speaking families, Colorado West is extending their services so that the 400 pregnant and parenting ladies who come through our program every year should have access to mental health services. Other things that are going on in infant/toddler areas in the County are Early Childhood Connections is a Federal Program that provides services for families of children with disabilities, birth to three. They are under our umbrella but function as a separate and independent agency. Their goal is to screen children early in life, find anybody who has a delay or a disability, provide services for that child so that the delay can be caught up, and they are doing an exceptionally good job. The school districts are getting heavily involved in doing screening. Public Health is involved. What we find, and the reason this is so important is that a child who has a delay who can be screened in that first year will probably not have a problem, and will probably catch up by the time they enter school. A child who will wait until they are three, four or enter kindergarten, probably will have to have services for his life in terms of physical therapy, speech therapy or at least for the rest of his school life, which is very expensive. The main problem we're having is physicians taking Medicaid and the Child Health Plan. It is getting to be a crisis situation and Mary has been working heavily on it. We can sign people up for the Child Health Plan but if there's not a doctor who can take them or is willing to take them in the County, why should they pay for an insurance program that nobody will take. The state is well aware that this is a major problem. Kids are not getting care because they or the doctor don't get reimbursed. Family Health Center does it and the Mid-Valley Clinic provides services, but there are so many kids that this is just pushing everybody to capacity. In talking to the people who are running the Consolidated Child Care Pilot, which Margaret's running, they had to say to me that they are moving towards quality assessment and they're working at increasing the number of centers and the number of infant/toddler slots in the County. That's been another problem for us. It's been very difficult to find child care for very little kids.

BOARD OF SOCIAL SERVICES

Chairman Martin said we next have the Board of Social Services. Walt moved to go into the Board of Social Services; Larry seconded; motion carried.

Larry McCown moved that we come out of Board of Social Services; Walt seconded; motion carried.

Chairman Martin said we have the Treasurer's Extension of the Banking Agreement. Don DeFord said it was brought to his attention last week that the banking agreement we have with Alpine Bank expires at the

end of this year. This Board previously indicated that you wanted to do some type of a competitive process to determine who would provide banking services for the County in 2001. With that in mind, Georgia has requested that we extend the banking agreement and she's had communication with Alpine Bank. Georgia said in talking with Bruce, we decided three months would be a good amount of time as far as putting together a request for a proposal, and sending it around to the banks in the area. I have also talked to Wells Fargo, they are very interested in participating in doing the banking for us. At least I have one other bank that's interested. Alpine seems more interested in keeping our service this year. They are putting in a downtown bank right here. He's working out of the Aspen bank, but in the last several years that he's working in other Wells Fargo's banks, he has gone after government accounts. He feels it's a good partnership between Wells Fargo and the government. Walt Stowe made a motion that we extend the banking agreement with Alpine Bank for 90 days, to the end of March, 2001; Larry seconded; motion carried. Don DeFord asked John Martin to execute the agreement to get it to Bruce Robinson for signature.

Chairman Martin asked Mark Bean are you requesting for Building and Planning to take Clear Talk directly to Board of County Commissioners on January 22, 2001. Mark Bean said normally they have been referring these cell sites to the Planning Commission. This particular group has worked with us quite awhile now and has actually come up with a site that is a good site that we feel can meet most of the requirements. The one issue that they have that they've still got to resolve is the legal access issue, but they are proposing one up in the Grass Mesa area. It avoids a lot of the visual issues because quite frankly it's going to be right in there with the 345 KV line that they have already up in that area. It's going to be in terms of the visual issues less obviously obtrusive notice, so we feel that this is one that could go directly to the Board rather than to the Planning Commission if that's agreeable. Larry said he didn't have a problem with it. Chairman Martin said he didn't either. Larry asked what the Hawkins Special Use Permit on the Consent Agenda was? Chairman Martin said it was for a resort. Mark said it should have been a Resolution of Approval. Larry and Walt said they didn't get anything on it. The Board told Mark they referred it. Mark said he believed it was an accessory dwelling. He said he would verify it. It was one they didn't feel needed to go to the Planning Commission.

Chairman Martin asked for a motion to adjourn; Stowe motioned for adjournment; McCown seconded; motion carried.

Attest:

Chairman of the Board
